

Chapter 25

MOTOR VEHICLES AND TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 25-1. Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle—Every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January first of each calendar year and is owned solely as a collectors item, and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event used for general transportation, may be classified by the commissioner as an antique motor vehicle.

Bicycle—As defined in Section 10-1 of this code.

Business district—The territory contiguous to a highway where seventy-five (75) percentum or more of the property contiguous to a highway, on either side of the highway, for a distance of three hundred (300) feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes.

Chauffeur—Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

***Cross references**—Department of public works, § 2-225 et seq.; inoperative vehicles, § 21-61 et seq.; advertising on vehicles, § 36-45; motor vehicle licenses, § 36-127 et seq.

Commission—The state corporation commission.

Commissioner—The commissioner of the division of motor vehicles of this state.

Crosswalk:

(a) That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer—Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this city and who has an established place of business for such purpose in this city at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.

Division—The division of motor vehicles of this state.

Essential parts—All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

Farm tractor—Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

Highway—The entire width between the boundary lines of every way or place of whatsoever nature open to the use of the public for purposes of vehicular travel in this city, including the streets, alleys and publicly maintained parking lots in the city.

Intersection:

(a) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Metal tires—All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Motorcycle—Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four (4) wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, except any such vehicle as may be included within the term “farm tractor,” as defined in this section.

Motor vehicle—Every vehicle as herein defined which is self-propelled or designed for self-propulsion except that the definition contained in section 46.1-389(d) of the Code of Virginia shall apply for the purposes of section 46.1-388 et seq. of state law. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. For the purposes of this chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle.

Nonresident—Every person who is not domiciled in this state, except:

(a) Any foreign corporation which is authorized to do business in this state by the state corporation commission shall be deemed a resident of this state for the purposes of this chapter; provided, however, that in the case of corporations incorporated in this state but doing business without the state, only such principal place of business or branches located within this state shall be dealt with as residents of this state.

(b) A person who becomes engaged in a gainful occupation in this state for a period exceeding sixty (60) days shall be deemed a resident for the purposes of this chapter.

(c) A person, other than a nonresident student, who has actually resided in this state for a period of six (6) months, whether employed or not, or who has registered a motor vehicle, listing an address within this state in the application for registration, shall be deemed a resident for the purposes of this chapter.

Operator—Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner—A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this chapter as are applicable to vehicles operated for compensation; provided, however, that a “truck lessor” shall be regarded as the owner, and his vehicles shall be subject to such requirements of this chapter as are applicable to vehicles of private carriers.

Peace or police officer—Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Person—Every natural person, firm, partnership, association or corporation.

Pneumatic tires—All tires inflated with compressed air.

Private road or driveway—Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Reconstructed vehicle—Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts new or used.

Residential district—The territory contiguous to a highway, not comprising a business district, where seventy-five (75) percentum or more of the property contiguous to such highway, on either side of the highway, for a distance of three hundred (300) feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

Road tractor—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Roadway—That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two (2) or more roadways if divided by a physical barrier or unpaved area.

Safety zone—The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Semitrailer—Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Shoulder—That part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

Solid rubber tire—Every tire made of rubber other than a pneumatic tire.

Specially constructed vehicle—Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle.

Superintendent—The superintendent of the department of state police of this state.

Tractor truck—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

Traffic lane or lane—That portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

Trailer—Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

Vehicle—Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and except any vehicle as may be included within the term "bicycle." (Code 1959, § 20-2)

State law reference—Similar state law, Code of Virginia, § 46.2-100.

Sec. 25-1.1. Refer ences to state code.

Due to the recodification of Title 46.1 of the Code of Virginia (1950) as amended, into Title 46.2, it is hereby provided, pursuant to the provisions of Section 46.2-1313 of the Code of Virginia, that whenever any section of the Code of the City of Lynchburg makes reference to or incorporates a section or sections of the Code of Virginia formerly contained in Title 46.1 such section of the City Code shall be deemed to and shall refer to or incorporate the corresponding section or sections of Title 46.2 of the State Code. (Ord. No. O-89-267, § 1, 10-10-89)

Sec. 25-2. Re pealed (O- 93- 312)

Editor's Note—Section 25.2, Compliance with chapter, was repealed by Ord. No. O-93-312, 12-14-93, the penalties were inconsistent with the Code of Virginia.

Sec. 25-3. Pen alty for vio la tions.

Unless otherwise specifically provided herein, violations of the provisions of this chapter shall be punishable as follows:

(a) Violations of this chapter shall constitute traffic infractions punishable by a fine of not more than two hundred dollars (\$200.00).

(b) Fines for traffic infractions which do not result in accidents may be paid in accordance with the provisions of Rule 3(B):2. Uniform Fine Schedule of the Rules of Virginia Supreme Court and all of the provisions and requirements of Rule 3(B):2. Uniform Fine Schedule of the Rules of Virginia Supreme Court, as amended, are hereby fully adopted and made a part of this section and chapter as fully as though set out and are hereby made applicable within the city.

(c) As provided in the Code of Virginia, § 1-13.39:2, any future amendments to the Uniform Fine Schedule shall be incorporated by reference and become a part of section (b). (Code 1959, § 20-38; Ord. No. O-88-283, § 1, 10-25-88; Ord. No. O-92-201, 6-23-92, eff. 7-1-92; Ord. No. O-96-028, 2-13-96)

Sec. 25-4. Applicability to vehicles regardless of ownership.

The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles, regardless of ownership, subject to such specific exceptions as are set forth in this chapter. (Code 1959, § 20-16)

State law reference—Similar provisions, Code of Virginia, § 46.2-801.

Sec. 25-5. Size, weight of vehicles.

The length, width, height and weight of vehicles operated within the city shall be in conformity with the provisions of state law. (Code 1959, §§ 20-220—20-234, 20-237)

State law reference—Size and weight of vehicles, Code of Virginia, § 46.2-1101 et seq.

Sec. 25-6. Permits for vehicles of excessive size and weight—Generally.

The chief of police may, in his discretion, upon application in writing and good cause being shown therefor issue a special permit, in writing, authorizing the applicant to operate or move a vehicle upon the streets and highways in the city of a size or weight exceeding the maximum specified in this article in accordance with the provisions of Section 46.1-343, Code of Virginia. (Code 1959, § 20-235; Ord. No. O-83-018, § 1, 1-25-83)

Sec. 25-7. Same—Display, etc.

Every permit required by Section 25-6 shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer, and any person violating any of the terms or conditions of such special permit shall be punished as provided in Section 25-3. (Code 1959, § 20-236)

Sec. 25-8. Persons riding bicycles or animals or driving animals.

Every person riding a bicycle or an animal upon a roadway, and every person driving any animal thereon shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application. (Code 1959, § 20-17)

State law reference—Similar provisions, Code of Virginia, § 46.2-800.

Sec. 25-9. Injuring, tampering or interfering generally with vehicles.

(a) Any person who shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any vehicle, aircraft, boat or vessel, for the purpose of injuring, defacing or destroying such vehicle, aircraft, boat or vessel or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a class 1 misdemeanor.

(b) Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad with intent to commit any crime, malicious mischief or injury thereto; or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers, starting crank or other device, brakes or mechanism thereof or to set into motion such vehicle, aircraft, vessel, locomotive or other rolling stock of a railroad, with the intent to cause any crime, malicious mischief, or injury thereto, shall be guilty of a class 1 misdemeanor, except that the foregoing provision shall not apply when any such act is done in an

emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty. (Code 1959, § 20-18; Ord. No. O-87-053, § 1, 3-24-87)

Sec. 25- 10. Re pealed. (O- 82- 233)

Editor's note—Ordinance No. O-82-233, § 2, adopted Oct. 26, 1982, repealed § 25-10, prohibiting the washing, polishing or greasing of vehicles upon highways or sidewalks. Former § 25-10 was derived from Code 1959, § 20-19.

Sec. 25- 10.1. Re pair ing or main tain ing ve hi cles on pub li c streets, high ways or side walks prohibited.

No person shall perform any repair or maintenance work, except of an emergency nature, upon any vehicle situated upon a public street, highway or sidewalk, while such vehicle or portion thereof is lifted off such street, highway or sidewalk by any means. (Ord. No. O-82-233, § 1, 10-26-82)

Sec. 25- 11. Author ity of fire de part ment of fi cials to di rect traffic.

Officers of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of peace officers. (Code 1959, § 20-20)

Sec. 25- 12. Board ing or alight ing from ve hi cles.

No person shall board or alight from any vehicle while such vehicle is in motion. (Code 1959, § 20-26)

Sec. 25- 13. Un law ful rid ing.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Code 1959, § 20-27)

Sec. 25- 14. Un law fully per mit ting an other to drive.

It shall be unlawful for any person to authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of Code of Virginia, Chapter 5, Title 46.1. Violation of this section shall constitute a class 2 misdemeanor. (Code 1959, § 20-28; Ord. No. O-93-312, 12-14-93)

State law reference—Similar provisions, Code of Virginia, § 46.2-349.

Sec. 25- 15. Per sons oper at ing and rid ing upon mo tor cy cles.

(a) A person operating a motorcycle, excluding four-wheeled and three wheeled vehicles, shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If such motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger.

(b) A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield at all times while operating said vehicle, and operators and passengers thereon, if any, shall wear protective helmets. (Code 1959, § 20-29)

State law reference—Similar provisions, Code of Virginia, § 46.2-909 and 46.2-910.

Sec. 25- 16. Un nec es sary noise in the op era tion of mo tor ve hi cles.

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the city, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is broadcast from such vehicle is prohibited. The provisions of this paragraph shall not apply to motor vehicles driven in a duly authorized parade or to law enforcement or emergency vehicles.

(c) It shall be unlawful for any person in operating a motor vehicle within the city to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motor vehicle the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) The use of a motor vehicle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.

(2) The practice of unnecessarily racing the motor of a motor vehicle while standing or moving thereby causing unnecessary noise from such motor.

(3) The practice of unnecessarily retarding the spark to the motor and thereby causing unnecessary, loud and explosive noise from the motor.

(4) In starting off a motor vehicle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor.

(5) The practice of coming to an unreasonably quick stop with a motor vehicle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises. (Code 1959, § 20-30)

Sec. 25- 17. Block ing high ways with rail way trains.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five (5) minutes the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three (3) minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00). (Code 1959, § 20-32)

State law reference—Similar provisions, Code of Virginia, § 56-412.1.

Sec. 25- 18. Rail road warn ing sig nals must be obeyed.

It shall be unlawful for any person driving a vehicle to fail to obey a clearly visible or audible crossing signal at a highway and railway grade crossing, which signal gives warning of the immediate approach of a railway train. (Code 1959, § 20-33)

State law reference—Similar provisions, Code of Virginia, § 46.2-884.

Sec. 25- 19. Driv ing through, etc., closed, etc., cross ing gates.

No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Code 1959, § 20-34)

State law reference—Similar provisions, Code of Virginia, § 46.2-885).

Sec. 25-20. Putting glass, etc., on street prohibited.

(a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(d) The violation of the provisions of this section shall be a class 1 misdemeanor. (Code 1959, § 20-35)

Cross reference—Littering, § 21-3.

State law reference—Similar provisions, Code of Virginia, § 18.2-324.

Sec. 25-21. Arrest for misdemeanors; release on summons and promise to appear.

(a) Whenever any person is arrested, including an arrest on a warrant, for a violation of any provision of this chapter, the arresting officer shall, except as otherwise provided in section 25-24, or any other section of this chapter, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours at a convenient hour, and before a court having jurisdiction. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody.

(b) Notwithstanding subsection (a), if prior general approval has been granted for the use of this section by the court having jurisdiction as provided in this chapter, the arresting officer may appear before a justice of the peace or other issuing authority of the county or city in which the violation occurred and make an oath as to the offense and request the issuance of a warrant at any time prior to the return date of the summons or notice. A warrant for the violation shall then be issued by the justice of the peace or other issuing authority and forwarded forthwith to the court in which said offense is to be tried.

(c) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.

(d) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(e) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office. (Code 1959, § 20-36)

State law reference—Similar provisions, Code of Virginia, § 46.2-936.

Sec. 25-22. Authority of police officers to issue subpoenas.

(a) Any police officer, in the course of his duties in the investigation of an accident involving a motor vehicle or vehicles, may, at the scene of any such accident, issue a subpoena to any witness to appear in court and testify with respect to any criminal charge brought against any person as a result of such accident. A subpoena so issued shall have the same force and effect as if issued by the court.

(b) Any person failing to appear in response to a subpoena issued as provided in paragraph (a) hereof shall be punished as provided by law.

State law reference—Similar provisions, Code of Virginia, § 46.2-939.

Sec. 25- 23. Is su ance of war rant upon fail ure to com ply with sum mons; sus pen sion of li cen ses for fail ure to ap pear.

(a) Upon the failure of any person to comply with the terms of a summons or notice as provided in section 25-21, the court may direct the arresting officer or the clerk of the court to obtain a warrant for his arrest or for the violation of his written promise to appear given in accordance with section 25-21 and serve, or cause to be served, or attempt, or cause to be attempted, to serve such warrant on the person. The warrant shall be returnable to the court having jurisdiction of the offense and shall be accompanied by a report by the arresting officer which shall clearly identify the person arrested, specifying the section of the Code of Virginia or ordinance violated, the location of the offense, a description of the motor vehicle and its registration or license number.

(b) If the warrant is returned to the court with the notation "not found" or the person named in the warrant does not appear on the return date thereof, the court shall forward a certificate of the fact of nonservice or nonappearance, with a copy of the report specified in subsection (a) hereof, to the commissioner of the division of motor vehicles, who shall forthwith suspend the operator's or chauffeur's license of such person. The order of suspension shall specify the reason for the suspension. Such suspension shall continue until such time as the court has notified the commissioner that the defendant has appeared before the court under the terms of the summons or notice, and the warrant.

State law reference—Similar provisions, Code of Virginia, § 46.2-938.

Sec. 25- 24. When ar rest ing offi cer shall take per son before ju di cial offi cer.

If any person is: (1) believed by the arresting officer to have committed a felony; (2) believed by the arresting officer to be likely to disregard a summons issued under section 25-21; the arresting officer shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by section 25-21, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he shall determine proper. (Code 1959, § 20-37)

State law reference—Similar provisions, Code of Virginia, § 46.2-940.

Sec. 25- 25. Con di tions pre ce dent to is su ance of war rant for vio la tion of park ing or di nance.

Before any warrant shall issue for the prosecution of a violation of an ordinance of this city regulating parking, the violator shall have been first notified by mail at his last-known address or at the address shown for such violator on the records of the division of motor vehicles, that he may pay the fine, provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such warrant shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half (1/2) inch in height.

State law reference—Similar provisions, Code of Virginia, § 46.2-941.

Sec. 25- 26. (Re pealed by Ord. No. O- 99- 225, 10- 12- 99, eff. 1- 1- 00)

Secs. 25-27—25-36. Reserved.

ARTICLE II. ENFORCEMENT AND ADMINISTRATION***Sec. 25- 37. Pow ers of city man ager—Gen er ally.**

The city manager shall have general supervision and control of the management and direction of all vehicular and pedestrian traffic and of the parking and routing of vehicles in the interest of the public safety, comfort and convenience not inconsistent with the provisions of Code of Virginia, Title 46.2. The city manager may cause appropriate signs to be erected and maintained, designating residence and business districts, school, hospital and safety zones, highways and railway crossings, arterial streets, arterial stops, turns at intersections, traffic lanes and such other signs as may be necessary to carry out the provisions of this chapter. The city manager shall have power to regulate the traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous, or where in his judgment conditions may require, and may prohibit other than one-way traffic upon certain highways, and may regulate the use of the highways by processions and assemblages. The city manager shall have the power to regulate the parking and stopping of vehicles on the public streets including the power to establish restricted parking areas. The city manager may adopt any such regulations not inconsistent with the provisions of this chapter which shall be deemed advisable and necessary, including the repeal, amendment or modification of any such regulations; provided, however, that such regulations, laws or rules shall not be deemed to be violated, if at the time of the alleged violation any sign or designation required under the terms of this chapter is missing, effaced, mutilated or defaced so that an ordinarily observant person under the same circumstances would not be apprised of or aware of the existence of such rule. (Code 1959, § 20-3; Ord. No. O-95-242, 12-12-95)

Cross reference—Manager, § 2-96 et seq.

State law reference—Powers of local authorities generally, Code of Virginia, § 46.2-1300 et seq.

Sec. 25- 38. Same—Du ties as traffic en gi neer.

It shall be the general duty of the traffic engineer, to plan and determine the installation and proper timing and maintenance of traffic-control devices and signs; to plan and direct the operation of traffic on the streets of the city, including municipal parking areas; to conduct investigations of traffic conditions; to cooperate with other municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and, to carry out the additional powers and duties imposed by ordinances of the city, or as may be directed by the city council and the city manager. (Code 1959, § 20-6)

Sec. 25- 39. En force ment gen er ally.

(a) Every police officer shall enforce the provisions of this chapter; provided, that such officer shall be uniformed at the time of such enforcement or shall display his badge or other sign of authority; and, provided further, that all officers making arrests incident to the enforcement of this chapter shall be paid fixed and determined salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this chapter.

(b) With the consent of the landowner, any such officer may patrol the landowner's property to enforce state, county or city motor vehicle registration and licensing requirements.

(c) Any such officer may patrol the streets and roads within subdivisions of real property or within land submitted to a horizontal property regime pursuant to Chapter 4.1 (§ 55-79.1 et seq.) or Chapter 4.2 (§ 55-79.39 et seq.) of Title 55 of the Code of Virginia, which streets and roads are maintained by the owners of the lots or parcels of land within any such subdivision or the owners of condominium units within any such horizontal property regime or any association of such owners, upon the request or with the consent of

***Cross references**—Department of public safety, § 2-189 et seq.; department of public works, § 2-225 et seq.

such owners or association of such owners, to enforce the provisions of chapters 1 through 4 (§ 46.1-1 through 46.1-347) of Title 46.1 of the Code of Virginia. (Code 1959, § 20-7)

State law reference—Similar provisions, Code of Virginia, § 46.2-102.

Sec. 25- 40. Fees not allowed police officers.

Notwithstanding the provisions of Code of Virginia, section 19-75, no court in this city shall in any case in which a fine is assessed for the violation of any law of this city, or any subdivision thereof, assess as a part of the cost of the case any fee for arrest, or as a witness, for the benefit of any police officer of the city; nor shall any such police officer receive any such fee. Any such police officer who accepts or receives any such fee shall be guilty of a class 4 misdemeanor and in addition the city manager may remove him therefor. But such officers are not prohibited from accepting or receiving rewards. (Code 1959, § 20-8)

State law reference—Similar provisions, Code of Virginia, § 46.2-218.

Sec. 25- 41. Stopping vehicles for inspection or to secure information.

Any police officer who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property-carrying vehicle or for the purpose of securing such other information as may be necessary. (Code 1959, § 20-9)

State law reference—Similar provisions, Code of Virginia, § 46.2-103.

Sec. 25- 42. Right to inspect vehicles in garages, etc.

Any police officer who shall be in uniform or shall exhibit a badge or other sign of authority shall have the right to inspect any motor vehicle, trailer or semitrailer in any public garage or repair shop for the purpose of locating stolen motor vehicles, trailers and semitrailers and for investigating the title and registration of motor vehicles, trailers and semitrailers. For such purpose the owner of any such garage or repair shop shall permit any such police officer without let or hindrance to make investigation as herein authorized. (Code 1959, § 20-10)

State law reference—Similar provisions, Code of Virginia, § 46.2-110.

Sec. 25- 43. Reports by garages, parking places, etc.

The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been struck by a bullet shall report to the nearest police station, within twenty-four (24) hours after the motor vehicle is received, giving the engine number, registration number, serial number or identification number, and the name and address of the owner or operator of the vehicle, if known. (Code 1959, § 20-11)

State law reference—Similar provisions, Code of Virginia, § 46.2-109.

Sec. 25- 44. Records required of persons renting motor vehicles without drivers; inspections, insurance.

(a) Every person engaged in the business of renting motor vehicles without drivers who shall rent any such vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of such rental or in possession of the person renting and having the use of the vehicle. Every such record shall be a public record and shall be open to inspection by any person damaged as to his person or property by the operation of the vehicle or by any member of the police department in the discharge of his duty. Any person who has been damaged as to his person or property may require a

production of such written record in person or by his duly authorized agent or attorney. Whenever any motor vehicle shall be rented for a period in excess of thirty (30) days, the owner or his agent shall furnish the commissioner with a record of the name and address of the person to whom such vehicle is rented and the date on which such rental is to terminate. A like record shall be furnished to the commissioner on each renewal of any such rental.

(b) It shall be a misdemeanor for any such person who shall rent a motor vehicle as herein provided to fail to make or have in possession or to refuse an inspection of the record required in this section.

(c) The commissioner shall prescribe a form for the keeping of the record provided in this section and the owner shall use such form.

(d) No person engaged in the business of renting automobiles and trucks without drivers shall rent any such vehicle without a driver unless such vehicle is an insured motor vehicle. A violation of this subsection shall constitute a misdemeanor. (Code 1959, § 20-15)

State law reference—Similar provisions, Code of Virginia, § 46.2-108.

Secs. 25- 45—25- 55. Re served.

ARTICLE III. ACCIDENTS

Sec. 25- 56. Duty to stop, give in for ma tion.

The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and give notice of the accident by the quickest means of communication to the police department; and, in addition, shall give to the person struck and injured, if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with, or to the custodian of other damaged property, his name, address, operator's or chauffeur's license number and the registration license number of his vehicle. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

Where, as a result of injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to the police department and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property and report to such person or persons his name, address, operator's or chauffeur's license number and the registration number of his vehicle. (Code, §§ 20-238(a), 20-241; Ord. No. O-85-291, § 1, 11-26-85)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-894, 46.2-371.

Sec. 25- 57. Oc cu pants to re port when driver in ca pa ble.

Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident of which a report is required, or when the driver fails to stop and make such report, each other occupant of the vehicle at the time of the accident who has knowledge of the accident shall report within twenty-four (24) hours from the time of the accident to the chief of police his name, address and such other information within his knowledge as the driver must report pursuant to section 25-56. (Code 1959, §§ 20-238(b), 20-244; Ord. No. O-85-291, § 1, 11-26-85)

State law reference—Similar provisions, Code of Virginia, § 46.2-895.

Sec. 25-58. Duty when striking unattended vehicle, other property—Generally.

The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other unattended property is damaged, shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver must report pursuant to section 25-56 if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four (24) hours to the chief of police. Such note and written report shall contain the information which the driver must report pursuant to section 25-56 and such written report shall state in addition the date, time and place of the accident and the driver's estimate of the property damage.

Where, as a result of injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to the chief of police and make a reasonable effort to find the owner or custodian of the unattended vehicle or property and report to such person or persons such information as is required to be reported pursuant to section 25-56. (Code 1959, § 20-238(c); Ord. No. O-85-291, § 1, 11-26-85)

State law reference—Similar provisions, Code of Virginia, § 46.2-896.

Sec. 25- 59. Same—Oc cu pant's duty.

If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by section 25-58, any person in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four (24) hours from the time of the accident to the chief of police, his name, address and such other facts within his knowledge as are required by Section 25-58 to be reported by the driver. (Code 1959, § 20-238(d))

State law reference—Similar provisions, Code of Virginia, § 46.2-897.

Sec. 25- 60. Re ports ad di ti onal.

The reports required by this article are in addition to other accident reports required by this chapter or by state law and shall be made irrespective of the amount of property damage involved. (Code 1959, §§ 20-238(e), 20-250)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-898, 46.2-381.

Sec. 25- 61. Ap pli ca ble to pri vate prop erty.

The provisions of this article shall apply irrespective of whether such accident occurs on the public streets or highways or on private property. (Code 1959, § 20-238(f))

State law reference—Similar provisions, Code of Virginia, § 46.2-899.

Sec. 25- 62. Vio la ti on of ar ti cle.

(a) Any person convicted of violating the provisions of this article shall, if such accident results in injury to, or the death of, any person, be punished:

- (1) By confinement in the penitentiary for not less than one year nor more than five (5) years;
- (2) By confinement in jail for not less than thirty (30) days nor more than one (1) year;
- (3) By a fine of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00); or
- (4) By both such confinement in the penitentiary or in jail and such fine.

(b) If such accident results only in damage to property, the person so convicted shall be deemed guilty of a class 1 misdemeanor; provided, however, if the vehicle or other property struck is unattended and such damage be less than fifty dollars (\$50.00) such person shall be punished only by a fine not exceeding fifty dollars (\$50.00). (Code 1959, §§ 20-239, 2-242; Ord. No. O-84-136, § 1, 6-12-84)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-900, 46.2-372.

Sec. 25- 62.1. Revo ca tion of driver's li cense for vio la tion of sec tion 25- 62.

Any person convicted of violating the provisions of this article may be punished, in addition to the penalties provided in section 25-62, if such accident resulted only in damage to property and such damage exceeded two hundred fifty dollars (\$250.00) by revocation of his license, or privilege to operate a motor vehicle on the highways of this Commonwealth for a period not to exceed six (6) months by the court or judge. This section shall in no case be construed to limit the authority or duty of the commissioner of the division of motor vehicles of the Commonwealth with respect to revocation of licenses for violation of the provisions of Section 46.1-176 of the Code of Virginia, 1950, as amended. Any license revoked under the provisions hereof shall be surrendered to the court to be disposed of in accordance with the provisions of Section 46.1-425 of the Code of Virginia, 1950, as amended. (Ord. No. O-85-291, § 1, 11-26-85)

Sec. 25- 63. Leav ing scene when di rected by of fi cer.

A person shall leave the scene of a traffic accident when directed to do so by a police officer. (Code 1959, § 20-240)

State law reference—Similar provisions, Code of Virginia, § 46.2-902.

Sec. 25- 64. Re port by in ves ti gat ing of fi cer.

Every police officer who in the course of duty investigates a motor vehicle accident of which report must be made, by interviewing participants or witnesses either at the time of and at the scene of the accident or thereafter and elsewhere, shall, within twenty-four (24) hours after completing the investigation, forward a written report of the accident to the police department. (Code 1959, § 20-243)

State law reference—Similar provisions, Code of Virginia, § 46.2-373.

Sec. 25- 65. Re ports with out pre ju dice and con fi den tial; ex cep tions.

All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other city or state agencies having use for the records for accident prevention purposes, except that the police department may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at the accident. (Code 1959, § 20-247)

State law reference—Similar provisions, Code of Virginia, § 46.2-377.

Sec. 25- 66. Ex tent to which re ports may be used as evi dence.

No accident report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any person who has or claims to have made such a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the police department, solely to prove compliance or noncompliance with the requirement that the report be made to the police department. (Code 1959, § 20-248)

State law reference—Similar provisions, Code of Virginia, § 46.2-378.

Sec. 25-67. Use of accident reports made by investigating officers.

Subject to the provisions of Section 25-65, all accident reports made by investigating officers shall be for the confidential use of the police department and other city or state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. The police department shall disclose from the reports upon request of any person, the date, time and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses and one investigating officer. (Code 1959, § 20-249)

State law reference—Similar provisions, Code of Virginia, § 46.2-379.

Secs. 25-68—25-78. Reserved.**ARTICLE IV. LICENSING AND REGISTRATION GENERALLY*****Sec. 25-79. Signing and possession; exhibiting; failure to carry license or registration card.**

(a) The operator of any motor vehicle, trailer or semitrailer, while such motor vehicle, trailer or semitrailer is operated upon the highways of the city, shall have in his possession the registration card issued by the department of motor vehicles or the registration card issued by the state or county in which the motor vehicle, trailer or semitrailer is registered, and his driver's license, learner's permit, or temporary driver's permit.

(b) The owner or operator of any motor vehicle, trailer or semitrailer shall stop upon the signal of any police officer or other law-enforcement officer who shall be in uniform or who shall show his badge or other sign of authority, and shall upon request exhibit his registration card, driver's license, learner's permit, or temporary driver's permit and shall write his name in the presence of such police officer or other law-enforcement officer if so required, for the purpose of establishing his identity.

(c) Every person licensed by the department of motor vehicles as a driver or issued a learner's or temporary driver's permit who fails to carry his license or permit and the registration card for the vehicle which he operates shall be guilty of a misdemeanor and upon conviction punished by a fine of ten dollars (\$10.00); provided, however, that if any person, when summoned to appear before a court for failure to display his license, permit or the registration card, upon such demand being made of him, shall present to the officer issuing the summons or a city magistrate, before the return date of the summons a proper license or permit duly issued to him prior to the time of such demand or a proper registration card, as the case may be, or shall appear pursuant to such summons and produce before the court a proper license or permit duly issued to him prior to the time of such demand or a proper registration card, as the case may be, he shall be deemed to have complied with the provisions of this section. (Code 1959, § 20-44; Ord. No. O-90-328; 11-13-90; Ord. No. O-91-001, 1-8-91)

Sec. 25-80. Registration and certificate of title required.

It shall be unlawful for any person to operate, or for the owner thereof to knowingly permit the operation of, upon a highway within the city, any motor vehicle, trailer or semitrailer which is not registered or for which a certificate of title has not been issued, whenever such registration or certificate of title is required by state law.

State law reference—Similar provisions, Code of Virginia, § 46.2-613.

***Cross reference**—Motor vehicle license, § 36-127 et seq.

State law reference—Registration and licensing generally, Code of Virginia, § 46.2-300 et seq.

Sec. 25-81. Attachment, display of state license plates generally.

(a) License plates assigned to a motor vehicle, other than a motorcycle, tractor truck, trailer or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a motorcycle, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

(b) Every such license plate shall be securely fastened to the motor vehicle, trailer or semitrailer to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve (12) inches from the ground, measuring from the bottom of such plate, in a position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible. (Code 1959, § 20-46; Ord. No. O-00-137, 6-27-00)

State law reference—Attachment and display of license plates generally, Code of Virginia, §§ 46.2-613, 46.2-715.

Sec. 25-82. Offenses relating to registration, licensing, and certificates of title; penalty.

No person shall:

(1) Operate or permit the operation of a motor vehicle, trailer, or semitrailer owned, leased, or otherwise controlled by him to be operated on a public street unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals, if any, assigned to it by the Virginia Department of Motor Vehicles for the current registration period, subject to the exemptions mentioned in Title 46.2 of the Code of Virginia.

(2) Display, cause or permit to be displayed, or have in possession any registration card, certificate of title, or license plate or decal which he knows is fictitious or which he knows has been canceled, revoked, suspended, or altered; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for another vehicle.

(3) Lend or knowingly permit the use of any registration card, license plate, or decal by anyone not entitled to it.

(4) Fail or refuse to surrender to a law enforcement office, on demand, any certificate of title, registration card, or license plate or decal which has been suspended, canceled, or revoked.

(5) Use a false name or address in any application for the registration of any motor vehicle, trailer, or semitrailer or for a certificate of title or for any renewal or duplicate certificate, or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any registration application. (Code 1959, § 20-47; Ord. No. O-00-137, 6-27-00)

State law reference—Similar provisions, Code of Virginia, § 46.2-613).

Sec. 25-83. Operation of foreign dealer's license.

It shall be unlawful for any person to operate or for the owner thereof to permit the operation of a motor vehicle, trailer or semitrailer in the city on a foreign dealer's license, unless the operation of such motor vehicle, trailer or semitrailer on such license is specifically authorized by the commissioner. (Code 1959, § 20-48)

Sec. 25-84. Certain information to appear on "for-hire" vehicles; exceptions.

It shall be unlawful for any person to operate, or cause to be operated, or to permit the operation of, a "for-hire" vehicle, except those falling within the gross weight group of ten thousand (10,000) pounds and less as shown by section 46.1-154 of the Code of Virginia, over or on the highways of the city, unless the name and

address of the owner of such vehicle plainly appears on both sides of such vehicle in letters not less than three (3) inches in height; provided, that the provisions of this section shall not apply to any motor vehicle the use of which is restricted to wedding, ambulance or funeral services, nor to any motor vehicle rented without chauffeur and operated under a valid lease agreement which provides that the lessee of such vehicle shall have exclusive control thereof, but this exemption shall include motor vehicles leased to common or contract carriers of persons or property which operate or should operate under certificates or permits issued by the state Corporation Commission or the Interstate Commerce Commission. (Code 1959, § 20-49)

State law reference—Similar provisions, Code of Virginia, § 46.2-1076.

Sec. 25- 85. When unlawful to have in possession certificate of title issued to another.

It shall be unlawful and constitute a misdemeanor for any person in this city to have in his possession a certificate of title issued by the commissioner to a person other than the holder thereof, unless and until the certificate of title has been duly assigned to the holder and acknowledged before a party authorized to

administer oaths as provided by law. This section shall not apply to lienors who legally hold such certificates of title. (Code 1959, § 20-50)

State law reference—Similar provisions, Code of Virginia, § 46.2-618.

Sec. 25- 86. Removing, altering, etc., serial or identification numbers without consent of division.

Any person who shall individually or in association with one or more others remove, change, alter or conceal any motor number, serial or other identification number, without the consent of the division, shall be guilty of a misdemeanor and shall be punished as provided in section 25-3. (Code 1959, § 20-51)

State law reference—Similar provisions, Code of Virginia, § 46.2-1074.

Sec. 25- 87. Possession of vehicle with changed number.

Any person who shall knowingly have in his possession a motor vehicle, trailer or semitrailer, the motor number, serial number or identification number of which has been removed, changed or altered, without the consent of the state division of motor vehicles, shall be guilty of a misdemeanor. (Code 1959, § 20-52)

State law reference—Similar provisions, Code of Virginia, § 46.2-1075.

Sec. 25-88. Prohibited operation of certain vehicles not designed for transportation of passengers; checking on weights.

(a) It shall be unlawful for any person to operate or to permit the operation of any motor vehicle, trailer or semitrailer for which the fee for registration and license plates is prescribed by Code of Virginia, section 46.1-154, on any highway of this city, under any of the following circumstances:

(1) Without first having paid the required registration and license plate fee;

(2) Without having painted on each side thereof, if such marking is required by Code of Virginia, section 46.1-158.1, the empty weight of such vehicle and the gross weight on the basis of which it is registered and licensed; or,

(3) If, at the time of any such operation, the gross weight of the vehicle, or of the combination of vehicles of which it is a part, is in excess of the gross weight on the basis of which it is registered and licensed.

(b) Any officer authorized to enforce the motor vehicle laws, having reason to believe that the gross weight of any motor vehicle, trailer or semitrailer being operated on any highway of this city exceeds that on the basis of which such vehicle is registered and licensed, is authorized to weigh the same by such means as the superintendent may prescribe and the operator, or other person in possession of such vehicle, shall permit such weighing whenever requested by such officer.

(c) Any person who violates any provision of this section or who operates or permits the operation of a trailer or semitrailer designed for the use of human beings as living quarters, upon the highways of this city without having first paid to the commissioner the fee prescribed in Code of Virginia, section 46.1-149(4), is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), or by confinement in jail for not more than six (6) months or by both such fine and imprisonment. (Code 1959, § 20-53)

State law reference—Similar provisions, Code of Virginia, § 46.2-704.

Sec. 25-89. Operation of vehicle without serial or identification number; requirements for stamping, cutting or embossing numbers.

It shall be unlawful to sell, or to operate upon any highway in this city, any motor vehicle which does not have stamped upon or cut into the motor thereof the motor number or which does not bear a permanent serial or other identification number assigned thereto by the manufacturer or by the commissioner, or any

trailer or semitrailer which does not bear a permanent serial or other identification number assigned thereto by the manufacturer thereof or by the commissioner. Such number shall be stamped, cut, embossed or attached in such a manner that it cannot be changed, altered or removed without plainly showing evidence which would be readily detachable or which would destroy the attached plate. Such number shall be die stamped, cut or embossed into or attached to a permanent part of the vehicle which is easily accessible for checking or verification, with the exception that nonresident owners who are permitted to operate motor vehicles, trailers or semitrailers without registration, under the registration provision relating to nonresidents contained in Code of Virginia, sections 46.1-131 through 46.1-139 shall not be required to comply with the provisions of this section before operating a motor vehicle, trailer or semitrailer upon the highways of this city. (Code 1959, § 20-54)

Sec. 25-90. Sale, etc., of vehicle without having certificate of title.

Any person who shall sell, trade, exchange or barter a motor vehicle, trailer or semitrailer in this city without first having secured a certificate of title therefor or without legally having in his possession a certificate of title therefor issued to the owner thereof, except as otherwise provided in this chapter, shall be guilty of a misdemeanor and shall be punished as provided in section 25-3. (Code 1959, § 20-55)

State law reference—Similar provisions, Code of Virginia, § 46.2-61.7.

Sec. 25-91. Operation for hire of certain vehicles displaying not-for-hire plates.

If a vehicle of over eighteen hundred (1,800) pounds gross weight displaying license plates entitling it to be operated exclusively not for hire is operated for hire, the licensee thereof shall be guilty of a misdemeanor and shall be fined an amount not to exceed one hundred dollars (\$100.00), which penalty shall be in addition to the penalty prescribed by section 25-88. (Code 1959, § 20-56)

State law reference—Similar provisions, Code of Virginia, § 46.2-724.

Sec. 25-92. Definition of "gross weight."

As used in section 25-88, the term "gross weight" means the aggregate weight of a vehicle or combination of vehicles and its load. (Code 1959, § 20-57)

State law reference—Similar provisions, Code of Virginia § 46.2-100.

Sec. 25-93. Driving without license, prohibited; penalties.

(a) No person, except those expressly exempted in sections 46.2-303 through 46.2-309 of the Code of Virginia shall drive any motor vehicle on any highway in this city until such person shall have made application for a driver's license and satisfactorily passed the examination required by section 46.2-325 of the Code of Virginia and obtained a driver's license, nor unless such license issued to such person is valid.

(b) A conviction of a violation of this section shall constitute a class 2 misdemeanor. (Code 1959, § 20-61; Ord. No. O-92-075, 3-24-92, eff. 4-28-92)

State law reference—Driving without license, Code of Virginia, § 46.2-300.

Sec. 25-94. Driving while operator's etc., license suspended or revoked.

(a) Except as otherwise provided in sections 46.2-304 and 46.2-357 of the state code, no person, resident or nonresident (i) whose driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked (ii) or who has been directed not to drive by any court, by the commissioner, or by operation of law pursuant to the provisions of Title 46.2 of the Code of Virginia or Section 25-166 of this code, or (iii) who has been forbidden, as prescribed by law, by the commissioner, the state corporation commission, the commonwealth transportation commissioner, any court, or the superintendent of the state police, to operate a motor vehicle in the commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any street or highway in the city until the period of such

suspension or revocation has terminated. For the purposes of this section the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

(b) A first offense of violating this section shall constitute a Class 2 misdemeanor. A second or subsequent offense shall constitute a Class 1 misdemeanor. In addition, the Court shall suspend the person's license, permit, or privilege to drive for the same period for which it had been previously suspended or revoked when the person violated this section.

(c) In the event such person has violated this section by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend such person's license, permit or privilege to drive for an additional period not to exceed ninety (90) days. Any additional suspension ordered under the provisions of this section shall commence upon the expiration of the previous suspension or revocation unless the previous suspension or revocation has expired prior to the ordering of an additional suspension or revocation. (Code 1959, § 20-62; Ord. No. O-89-229, § 1, 9-12-89; Ord. No. O-91-206, 9-10-91; Ord. No. O-92-201, 6-23-92, eff. 7-1-92)

State law reference—Similar provisions, Code of Virginia, § 46.2-301.

Sec. 25- 95. Driving while restoration of license is contingent upon furnishing proof of financial responsibility.

(a) No person, resident or nonresident, (i) whose driver's license or learner's permit has been suspended or revoked by any court or by the commissioner or by operation of law pursuant to the provisions of the Code of Virginia, Title 46.2, or of Section 18.2-271 of the Code of Virginia, or who has been disqualified pursuant to the provisions of the Virginia Commercial Driver's License Act (Sections 46.2-341.1 et seq. of the Code of Virginia), or of Section 25-166 of this code, or (ii) who has been forbidden as prescribed by law by the commissioner, the state corporation commission, the Commonwealth transportation commissioner or the superintendent of the state police to drive a motor vehicle in the Commonwealth shall drive any motor vehicle in this city during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Code of Virginia, Article 15 (Section 46.2-435 et seq.) of Chapter 3 of Title 46.2. Any person who drives a motor vehicle on the streets or highways of the City and has furnished proof of financial responsibility but who has failed to pay a reinstatement fee shall be tried in accordance with Section 46.2-300 of the State Code.

(b) A first offense violation of this section shall constitute a class 2 misdemeanor. A second or subsequent violation of this section shall constitute a class 1 misdemeanor. (Code 1959, § 20-63; Ord. No. O-91-206, 9-10-91)

State law reference—Similar provisions, Code of Virginia, § 46.2-302

Sec. 25- 96. Chauffeurs as operators and vice versa.

Any person licensed as a chauffeur under Code of Virginia, Chapter 5, Title 46.1, shall not be required to procure an operator's license, but no person shall drive any motor vehicle as a chauffeur, unless licensed as a chauffeur. Notwithstanding other provisions of law, no person shall be required to obtain a chauffeur's license for the purpose of driving a school bus. (Code 1959, § 20-64)

State law reference—Similar provisions, Code of Virginia, § 46.2-338.

Sec. 25- 97. Use of restricted operator's, etc., license.

Any person issued an operator's or chauffeur's license on which there is printed or stamped restrictions as provided by the Code of Virginia, section 46.1-378, and who operates a motor vehicle in violation of such restrictions shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 25-3. (Code 1959, § 20-54)

State law reference—Similar provisions, Code of Virginia, § 46.2-329.

Sec. 25-98. Age limits for drivers of school buses and passenger carriers.

It shall be unlawful:

(a) For any person, whether licensed or not, who is under the age of eighteen (18) years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school; provided, however, that such school bus may be operated by a person between the ages of sixteen (16) and eighteen (18) years, with the approval of the city school board;

(b) For any person, whether licensed or not, who is under the age of eighteen (18) years, to drive a motor vehicle while in use as a public passenger-carrying vehicle. (Code 1959, § 20-66)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-919, 46.2-810.

Sec. 25-99. Violations in regard to operator's etc., licenses generally.

It shall be unlawful for any person to commit any of the following acts:

(a) To display or cause or permit to be displayed or to have in his possession any operator's or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered, or photographed for the purpose of evading the intent of this article or the state law;

(b) To lend to, or knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

(c) To display or represent as his own any operator's or chauffeur's license not issued to the person displaying the same;

(d) To reproduce by photograph or otherwise, any operator's or chauffeur's license or temporary permit or instruction permit issued by the division without obtaining prior written consent of the division;

(e) To fail or refuse to surrender, upon demand, any operator's or chauffeur's license issued in this state or any other state to any court in this city in which an operator or chauffeur has been tried and convicted for the violation of any law of this state or ordinance of this city regulating or affecting the operation of a motor vehicle. (Code 1959, § 20-67)

State law reference—Similar provisions, Code of Virginia, § 46.2-346.

Sec. 25-100. Suspension of operator's etc., license upon conviction of reckless driving—Generally.

(a) In addition to the penalties for reckless driving prescribed in section 25-151 and except in those cases for which a revocation of license is provided in Code of Virginia, paragraph (e) of section 46.1-417 any court may suspend any license issued to a convicted person under Code of Virginia, Chapter 5 (section 46.1-348 et seq.) Title 46.1, for a period of not less than ten (10) days nor more than six (6) months, and such court shall require the convicted person to surrender his license so suspended to the court where it shall be disposed of in accordance with section 25-104.

(b) If a person convicted has not obtained the license required by such chapter, or is a nonresident, the court may direct in the judgment of conviction that such person shall not, for a period of not less than ten (10) days or more than six (6) months as may be prescribed in the judgment, drive or operate any motor vehicle in this state. The court or the clerk of court shall transmit the license to the commissioner along with the report of the conviction required to be sent to the division. Where the conviction is a second conviction which will require revocation under Code of Virginia, section 46.1-417, the court shall suspend the operator's or chauffeur's license of such person and thereupon transmit the same to the division of motor vehicles as provided by law. (Code 1959, § 20-68)

State law reference—Similar provisions, Code of Virginia, § 46.2-392.

Sec. 25-101. Same—Reckless driving for exceeding speed of sixty-five or seventy-five miles per hour.

When any person shall be convicted of reckless driving for exceeding a speed of sixty-five (65) or seventy-five (75) miles per hour, as the case may be, upon the highways of this city under section 25-152, then in addition to any other penalties provided by law, except in those cases for which revocation of licenses is provided in Code of Virginia, Section 46.1-417, the operator's or chauffeur's license of such person may be suspended by the court or judge for a period of not less than sixty (60) days nor more than six (6) months. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of Code of Virginia, section 46.1-425. Where the conviction is a second conviction which would require revocation under the provisions of Code of Virginia, section 46.1-417, the court shall suspend the operator's or chauffeur's license of such person and thereupon transmit the same to the division of motor vehicles as provided by law. If such person so convicted has not obtained a license required by Code of Virginia, chapter 5 (section 46.1-348 et seq.) of Title 46.1, or is a nonresident, such court shall direct in the judgment of conviction that such person shall not drive or operate any motor vehicle in this city for a period of not less than sixty (60) days nor more than six (6) months. (Code 1959, § 20-69)

State law reference—Similar provisions, Code of Virginia, § 46.2-393.

Sec. 25-102. Additional fine and jail sentence for fourth conviction of certain offenses.

If any person, having been convicted three (3) times of any offense or offenses set forth below, within a period of ten (10) years, be again convicted of any one (1) of such offenses within such ten (10) year period, he shall, in addition to the penalty otherwise prescribed by law for such offense, be deemed guilty of a class 1 misdemeanor. The offenses, for a fourth conviction of which such penalties may be imposed, are the following: Violations within Virginia of sections 18.1-54, 46.1-176, 46.1-191, 46.1-350, or of any similar ordinance of any county, city or town in Virginia, and manslaughter involving the operation of a motor vehicle, voluntary or involuntary. Provided, however, that for the purposes of this section where more than one (1) manslaughter conviction results from a single act or omission, then only the first such conviction shall constitute an offense. (Code 1959, § 20-69.1)

Sec. 25-103. Revocation of license upon fourth conviction of any such offense.

In addition to the penalties set forth in section 46.1-423.1 of the Code of Virginia or section 25-102 of this Code, if any person be convicted of a fourth offense as therein provided, the court in which such conviction is had shall revoke the operator's or chauffeur's license of such person for a period of five (5) years. (Code 1959, § 20-69.2)

State law reference—Similar provisions, Code of Virginia, § 46.2-394.

Sec. 25-104. Disposition of surrendered licenses upon conviction requiring revocation or suspension.

(a) In any case in which the accused is convicted of an offense, upon the conviction of which the law requires or permits, revocation or suspension of the operator's or chauffeur's license of the person so convicted, the court shall order the surrender of such license, which shall remain in the custody of the court during the period of such revocation or suspension if such period does not exceed thirty (30) days, or until:

- (1) The time allowed by law for appeal has elapsed, when it shall be forwarded to the commissioner; or
- (2) An appeal is effected and proper bond posted, at which time it shall be returned to the accused.

(b) Provided, however, that when the time of suspension or revocation coincides or approximately coincides with the appeal time, the court may retain the license and return the same to the accused upon the expiration of the suspension or revocation. (Code 1959, § 20-70)

State law reference—Similar provisions, Code of Virginia, § 46.2-398.

Sec. 25- 105. Pur chas ing, etc., ve hi cle from ven dor who does not have cer tifi cate of ti tle.

Any person who shall purchase, trade, exchange or barter for a motor vehicle, trailer or semitrailer in this city, knowing or having reason to believe that the vendor thereof has not secured a certificate of title, or knowing or having reason to believe that the vendor thereof does not legally have in his possession a certificate of title therefor issued to the owner thereof, except as otherwise provided in this chapter, shall be guilty of a misdemeanor and shall be punished as provided in section 25-3. (Code 1959, § 20-71)

State law reference—Similar provisions, Code of Virginia, § 46.2-616.

Secs. 25- 106—25- 116. Re served.

ARTICLE V. OPERATION OF VEHICLES*

DIVISION 1. GENERALLY

Sec. 25- 117. Drive on right side of high ways.

Except as otherwise provided by law, upon all highways of sufficient width the driver of a vehicle shall drive the same upon the right half of the highway, unless it is impracticable to travel on such side of the highway, and except when overtaking and passing another vehicle, subject to the limitations applicable in overtaking and passing set forth in sections 25-121 and 25-125. (Code 1959, § 20-97)

State law reference—Similar provisions, Code of Virginia, § 46.2-802.

Sec. 25- 118. Keep to the right in cross ing in ter sec tions or rail roads.

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway, unless such right side is obstructed or impassable. (Code 1959, § 20-99)

State law reference—Similar provisions, Code of Virginia, § 46.2-803.

Sec. 25- 119. Driv ing on streets laned for traf fic.

Whenever any street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

(a) Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing shall be driven in the lane nearest the right-hand edge or curb of the highway when such lane is available for travel, except when overtaking and passing another vehicle or in preparation for a left turn or as permitted in paragraph (d) of this section;

(b) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has ascertained that such movement can be made with safety;

***Cross reference**—Traffic regulations in parks, § 28-1.

(c) Upon a highway which is divided into three (3) lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted or marked to give notice of such allocation; provided, that official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device;

(d) Whenever the city traffic engineer has designated right-hand lanes for slow-moving traffic and when such lanes are signposted or marked to give notice of such designation, a vehicle may be driven in any lane allocated to traffic moving in the direction in which such vehicle is proceeding, but when traveling within such inside lanes vehicles shall be driven at approximately the speed authorized in such lanes and speed shall not unnecessarily be decreased so as to block, hinder or retard traffic;

(e) Whenever a highway is marked with double traffic lanes consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance;

(f) Wherever a highway is marked with double traffic lines consisting of two (2) immediately adjacent solid lines, no vehicle shall be driven to the left of such lines, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance. (Code 1959, § 20-100)

State law reference—Similar provisions, Code of Virginia, § 46.2-804.

Sec. 25- 120. Pass ing ve hi cles proceed ing in op po site di rec tions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other, as nearly as possible, one-half of the main-traveled portion of the roadway. (Code 1959, § 20-101)

State law reference—Similar provisions, Code of Virginia, § 46.2-837.

Sec. 25- 121. Pass ing upon over tak ing ve hi cle.

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two (2) feet to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as provided in this article. (Code 1959, § 20-102)

State law reference—Similar provisions, Code of Virginia, § 46.2-838.

Sec. 25- 122. Audi ble sig nal upon over tak ing ve hi cle.

The driver of an overtaking motor vehicle when traveling outside of a business or residence district shall, when necessary to insure safe operation, give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction. (Code 1959, § 20-103)

State law reference—Similar provisions, Code of Virginia, § 46.2-840.

Sec. 25- 123. When over tak ing ve hi cle may pass on right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, and the driver of such vehicle has given a signal as required.

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Code 1959, § 20-104)

State law reference—Similar provisions, Code of Virginia, § 46.2-841.

Sec. 25- 124. Driver to give way to over tak ing ve hi cle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Code 1959, § 20-105)

State law reference—Similar provisions, Code of Virginia, § 46.2-842.

Sec. 25- 125. Limi ta tions on privi leges of over tak ing and pass ing.

(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) No person operating a truck or tractor and trailer shall pass or attempt to pass any truck or tractor and trailer going in the same direction on an upgrade hill if such passing will impede the passage of following traffic. (Code 1959, § 20-106)

State law reference—Similar provisions, Code of Virginia, § 46.2-843.

Sec. 25- 126. Fol low ing too closely.

The driver of a motor vehicle shall not follow another motor vehicle, trailer or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic upon, and conditions of, the highway at the time. (Code 1959, § 20-107)

State law reference—Similar provisions, Code of Virginia, § 46.2-816.

Sec. 25- 127. Right- of- way gen er ally.

Except as provided in Section 25-127.1, Section 25-129 and Section 25-234, when two (2) vehicles approach or enter an intersection at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, unless a "yield-right-of-way" sign is posted. Where any such sign is posted, the driver of the vehicle approaching or entering such intersection on the highway, road or street on which such sign is posted shall yield the right-of-way to the driver of a vehicle approaching or entering such intersection from either direction. At traffic circles vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have hereunder. (Code 1959, § 20-115; Ord. No. O-87-249, § 1, 11-10-87)

State law reference—Similar provisions, Code of Virginia, § 46.2-820.

Sec. 25- 127.1. Right- of- way at un con trolled T in ter sec tions.

Notwithstanding the provisions of Section 25-127, when vehicles arrive at approximately the same time at a T intersection not controlled by any traffic control device, the driver of the vehicle on the highway, road or street that intersects but does not cross the other highway, road or street shall yield the right-of-way to any vehicle traveling on the other highway, road or street. (Ord. No. O-87-249, § 1, 11-10-87)

Sec. 25-128. Right-of-way when vehicle turns to left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard; provided, however, that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop, any vehicle making such turn shall have the right-of-way over all other vehicles approaching the intersection. (Code 1959, § 20-116)

State law reference—Similar provisions, Code of Virginia, § 46.2-825.

Sec. 25-129. Entering public street from private road, etc.

The driver of a vehicle entering a public street or highway or sidewalk from a private road, driveway, alley or building shall stop immediately before entering such street, highway or sidewalk and, upon entering such street, highway or sidewalk, shall yield the right-of-way to all vehicles approaching on such public street or highway or to all pedestrians or vehicles approaching on such public sidewalk. (Code 1959, § 20-117)

State law reference—Similar provisions, Code of Virginia, § 46.2-826.

Sec. 25-130. Right-of-way of military.

United States forces or troops, or any portion of the Virginia national guard or naval militia, parading or performing any duty according to law, or any civil defense personnel performing any duty according to law, shall have the right-of-way in any street or highway through which they may pass; provided, that the carrying of the United States mail, the legitimate functions of the police and the progress and operation of fire engines and fire divisions shall not be interfered with. (Code 1959, § 20-118)

State law reference—Similar provisions, Code of Virginia, § 46.2-827.

Sec. 25-131. Approach of police, fire-fighting, etc., vehicles.

(a) Upon the approach of any vehicle listed in paragraph (a) of section 25-132 giving audible signal by siren, exhaust whistle, or air horn designed to give automatically intermittent signals, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until such vehicle shall have passed. This provision shall not operate to relieve the driver of any such vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of any arbitrary exercise of such right-of-way.

(b) Violation of this section shall constitute failure to yield the right-of-way. (Code 1959, § 20-119)

State law reference—Similar provisions, Code of Virginia, § 46.2-829.

Sec. 25-132. Exemption of police, fire-fighting, etc., vehicles from regulations in certain emergencies.

(a) The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

(1) Proceed past any steady or flashing red signal, traffic light, stop sign or device indicating moving traffic shall stop if the speed and movement of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light or device with due regard to the safety of persons and property;

(2) Park or stop notwithstanding the other provisions of this chapter;

(3) Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

(4) Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

(5) Disregard speed limits, while having due regard for safety of persons and property;

(6) Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline;

(7) Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

(b) These exemptions granted to emergency vehicle shall apply only when the operator of such vehicle displays a flashing, blinking or alternating emergency light or lights and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and, only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least one hundred thousand dollars (\$100,000.00) because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of three hundred thousand dollars (\$300,000.00) because of bodily injury to or death of two (2) or more persons in any one accident, and to a limit of twenty thousand dollars (\$20,000.00) because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to section 46.2-368 of the Code of Virginia. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

(c) For the purposes of this section, the term "emergency vehicle" shall mean:

(1) Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

(2) Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

(3) Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

(4) Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

(5) Any department of emergency management vehicle or office of emergency medical services vehicle, when responding to an emergency call or operating in an emergency situation; and

(6) Any department of corrections vehicle designated by the director of the department of corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer.

(d) Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles or (ii) in testing the accuracy of speed measuring

devices specified in section 46.2-882 of the Code of Virginia. (Code 1959, § 20-120; Ord. No. O-02-002, 1-15-02)

State law reference—Similar provisions, Code of Virginia, § 46.2-920.

Sec. 25- 133. Follow ing or park ing near fire ap pa ra tus.

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm at any distance closer than five hundred (500) feet to such apparatus or to park such vehicle within five hundred (500) feet of where fire apparatus has stopped in answer to a fire alarm. (Code 1959, § 20-121)

State law reference—Similar provisions, Code of Virginia, § 46.2-921.

Sec. 25- 134. Driv ing over fire hose.

It shall be unlawful for the driver of any vehicle to drive over any unprotected hose of the fire department when laid down on any street or private driveway for use at any fire or alarm of fire without the consent of the fire department official in command. (Code 1959, § 20-122)

State law reference—Similar provisions, Code of Virginia, § 46.2-922.

Sec. 25- 135. Ve hi cles on side walks; pen alty.

If any person rides or drives any vehicle, including bicycles and motorcycles, on the sidewalks of the city, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). (Code 1959, § 20-123)

State law reference—Similar provisions, Code of Virginia, § 46.2-903.

Sec. 25- 136. Im proper driv ing.

Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with reckless driving where the degree of culpability is slight, the court in its discretion may find the accused not guilty of reckless driving but guilty of improper driving and impose a fine not to exceed five hundred dollars (\$500.00). (Code 1959, § 20-77.2)

State law reference—Similar provisions, Code of Virginia, § 46.2-869.

Sec. 25- 137. Driv ing through safety zone pro hib ited.

The driver of a vehicle shall not, at any time, drive through or over a safety zone. (Code 1959, § 20-91)

State law reference—Similar provisions, Code of Virginia, § 46.2-814.

Sec. 25- 138. Back ing.

The operator of any vehicle in the city shall not back such vehicle unless such movement can be made with safety and without interfering with other traffic. (Code 1959, § 20-93)

Sec. 25- 139. Block ing in ter sec tions.

No operator of a vehicle shall enter an intersection or a marked crosswalk, unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Code 1959, § 20-94)

Sec. 25-140. Coasting.

The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral. (Code 1959, § 20-95)

State law reference—Similar provisions, Code of Virginia, § 46.2-811.

Sec. 25-141. Driving time restricted.

(a) It shall be unlawful for any person to drive any motor vehicle on the highways of this city for more than thirteen (13) hours in any period of twenty-four (24) hours or for a period which, when added to the time such person may have driven a motor vehicle over the highways out of this city, would make an aggregate of more than thirteen (13) hours in any period of twenty-four (24) hours; provided, however, that the provisions of this section shall not apply to the operation of motor vehicles used in snow removal or similar emergency situations by the state department of highways and transportation or the City of Lynchburg or their contractors or agents.

(b) It shall also be unlawful for the owner of any such vehicle to cause or permit the same to be driven in violation of this section. (Code 1959, § 20-96; Ord. of 11-27-79; Ord. No. O-79-349, § 1, 11-27-79)

State law reference—Similar provisions, Code of Virginia, § 46.2-812.

Sec. 25-142. Rotary traffic islands.

A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Code 1959, § 20-98)

State law reference—Similar provisions, Code of Virginia, § 46.2-807.

Sec. 25-143. Automobiles not to be operated with television within view of operator of vehicle.

No motor vehicle operated in the city shall be equipped with, nor shall there be used therein, a television receiver forward of the driver's seat or the screen of which would otherwise be visible to the driver while operating the vehicle. This section shall apply to all motor vehicles which are registered or should be registered in the state. The operator of a motor vehicle which is not registered in the state and is not required to be registered in the state shall not operate a television receiver which violates the provisions of this section when driving through or within the city. Any person violating this section shall be guilty of a misdemeanor. (Code 1959, § 20-198)

State law reference—Similar provisions, Code of Virginia, § 46.2-1077.

Sec. 25-144. Weight of vehicles and loads—Regulated.

Pursuant to the provisions of Section 46.2-1138.1, of the Code of Virginia, 1950, as amended, the maximum gross weight and axle weight to be permitted on the road surface of any street or highway in the city shall be in accordance with the provisions of Article 17, Chapter 10, Title 46.2, of the Code of Virginia, 1950, as amended. Pursuant to the provisions of Section 46.2-1313 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of Sections 46.2-1122 through 46.2-1137 of the Code of Virginia, 1950, as amended, in effect on the date of the adoption of this section are hereby adopted and made a part of the city code as fully as if set out herein and are hereby made applicable within the city. References to the term "highway" shall be deemed to refer to the streets, highways, alleys and rights-of-way within the city. It shall be unlawful for any person within the city to violate or fail, neglect or refuse to comply with any of the restrictions of the Code of Virginia which are adopted as part of the city code. Pursuant to the provisions of Section 1-13.39:2 of the Code of Virginia, 1950, as amended, all future amendments to the sections of the Code of Virginia that are incorporated in this section are also incorporated by reference herein. (Ord. No. O-81-038, § 1, 2-24-81; Ord. No. O-95-221, 8-8-95)

Sec. 25- 144.1. Same—Ex ception as to ve hi cles de signed for tow ing dis abled ve hi cles.

The provisions of Section 46.1-339 shall not apply to a vehicle designed for towing disabled vehicles, when towing such vehicle in an emergency and in such manner that a part of the combined weight of the two (2) vehicles rests upon an axle or axles of the towing vehicle, provided the towed and towing vehicles each are within the weight limits prescribed in Section 46.1-339. The provisions of this section shall not be construed to permit the violation of any lawfully established load limit on any bridge. For the purpose of this section, "emergency" shall include towing disabled inoperative vehicles to places designated by owners. (Ord. No. O-81-038, § 1, 2-24-81)

Sec. 25- 144.2. Same—Pen alty for vio la tion.

(a) Any violation of Section 25-144, shall be punished in accordance with the provisions of Section 46.2-1131 and the liquidated damages provisions of Section 46.2-1135 of the Code of Virginia, 1950, as amended. All fines imposed for a violation of Section 25-144 shall be paid into the city treasury as provided by Section 46.2-1308 of the Code of Virginia, 1950, as amended, but in all cases in which the arrest is made or the summons is issued by an officer of the department of state police or of any other division of the state government, all fines and forfeitures collected upon convictions or upon forfeitures of bail of any person so arrested or summoned, shall be credited to the state literary fund.

(b) Any fine assessed by the court shall be entered by the court as a judgment for the city and shall constitute a lien upon the overweight vehicle. (Ord. No. O-81-038, § 1, 2-24-81; Ord. No. O-95-221, 8-8-95)

Sec. 25- 145. Streets closed to trucks.

(a) Vehicles prohibited. The use of any street, or portion of street, hereinafter designated, by trucks other than pickup or panel trucks not exceeding an actual gross weight of five thousand (5,000) pounds, except for the purpose of receiving passengers or goods or making deliveries, is prohibited, and the city manager is authorized and directed to erect suitable signs at such places as may be necessary to notify drivers of such vehicles of this prohibition.

(b) Streets where prohibited. The streets upon which such use by such vehicles is prohibited are as follows:

- (1) Edgewood Avenue.
- (2) Fenwick Drive.
- (3) Sheffield Drive.
- (4) Burnt Bridge Road.
- (5) Indian Hill Road.
- (6) Evergreen Road between Indian Hill Road and Hurdle Hill Road.
- (7) Hurdle Hill Road between Evergreen Road and Link Road.
- (8) Tyreeanna Road from Richmond Highway to Concord Turnpike.
- (9) Hood Street between Lakeside Drive and Richmond Street.

(10) College Drive between Lakeside Drive and Breckenbridge Street.

(11) Breckenbridge Street between College Drive and Richmond Street.

(c) Penalty for violation. The driver of any such vehicle operated in violation of this section shall be guilty of a class 4 misdemeanor. (Ord. No. O-81-165, § 2, 8-11-81; Ord. No. O-88-233, 9-13-88)

Sec. 25- 145.1. Streets closed to pedestrians, bicycles and animals; penalty.

(a) The use of any portion of the Lynchburg Expressway between Carter Glass Memorial Bridge and Lakeside Drive and the 460 Bypass between Campbell Avenue and the western city limits by pedestrians, persons riding bicycles, horsedrawn vehicles, and animals led, ridden or driven on the hoof is prohibited, and the city manager is authorized and directed to erect suitable signs at such places as may be necessary to notify the public of this prohibition.

(b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. (Ord. No. O-81-165, § 2, 8-11-81)

Sec. 25- 146. Streets and highways open to certain vehicles.

(a) It shall be unlawful for long trailers (forty-eight (48) feet), long twin trailers (twenty-eight (28) feet each), or vehicles of one hundred two (102) inches in width to travel on any street in the city unless such street has been designated for such use by the Council of the City of Lynchburg. A list of such streets shall be filed in the office of the city traffic engineer.

(b) Any person violating subsection (a) of this section shall be guilty of a Class 4 misdemeanor and punished in accordance with Section 25-3. (Ord. No. O-83-177, § 1, 8-9-83)

Sec. 25- 147. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses.

(a) Each person at least sixteen (16) years of age and occupying the front seat of a motor vehicle equipped or required by the provisions of Title 46.2 of the Code of Virginia to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public street, highway, alley or other right-of-way within the city. A child under the age of four years, however, shall be protected as required by the provisions of section 25-147.1 of this article.

(b) Each driver of a motor vehicle equipped or required by the provisions of Title 46.2 of the Code of Virginia to be equipped with a safety belt system who is transporting a child of at least four (4) years of age, but less than sixteen (16) years of age, in the front seat of such motor vehicle shall cause such child to wear the appropriate safety belt system.

(c) This section shall not apply to:

(1) any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

(2) any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

(3) any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United State Postal Service; or

(4) any persons driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler, or a news rack carrier; or

- (5) drivers of taxicabs; or
 - (6) personnel of commercial or municipal vehicles while actually engaged in the collection or the delivery of goods and services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or
 - (7) any person driving a motor vehicle and performing the duties of a utility meter reader; or
 - (8) law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.
- (d) Any person who violates this section shall be subject to a civil penalty of twenty five dollars (\$25.00) to be paid into the city's general fund. No assignment of demerit points shall be made under article 19 of chapter 3 of Title 46.2 of the Code of Virginia and no court costs shall be assessed for violations of this section.
- (e) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.
- (f) A violation of this section may be charged on the uniform traffic summons form.
- (g) No citation for violations of this section shall be issued unless the officer issuing such citation has caused to stop or arrest the driver of such motor vehicle for the violation of some other provision of the city code or the Code of Virginia relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. (Ord. No. O-93-301, 11-23-93)

Sec. 25- 147.1. Child restraint devices required.

- (a) Any person who drives on the public streets, highways, alleys, or other rights-of-way within the city, any motor vehicle manufactured after January 1, 1968, shall ensure that any child under the age of four (4) (i) of which he is the parent or legal guardian or (ii) which he regularly transports therein is provided with and properly secured in a child restraint device of a type which meets the standards adopted by the United States Department of Transportation.
- (b) Whenever any physician licensed to practice medicine in the commonwealth of Virginia or any other state determines, through accepted medical procedures, that the use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical unfitness, or other medical reason, the child shall be exempt from the provision of this section. Any person transporting a child so exempted shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds therefor.
- (c) This section shall not apply to:
- (1) the transporting of any child in a vehicle having an interior design which makes the use of a child restraint device impractical; or
 - (2) the transporting of children by public transportation, bus, school bus, or farm vehicle. For purposes of this section, "farm vehicle" means a vehicle which is either (i) exempt from registration pursuant to Title 46.2 of the Code of Virginia or (ii) registered as a farm vehicle pursuant to Title 46.2 of the Code of Virginia, or (iii) owned by a resident of another state under whose laws the vehicle is either registered as a farm vehicle or exempt from registration by virtue of its use as a farm vehicle.

(d) The use of a seat belt of the type which is the standard equipment in new automobiles sold in the commonwealth of Virginia shall not violate this article if (i) the affected child is between three (3) and four (4) years old and (ii) the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical.

(e) Any person, including those subject to jurisdiction of a juvenile and domestic relations district court, found guilty of violating this section shall be subject to a civil penalty of fifty dollars (\$50.00) for a violation of paragraph (a) or a civil penalty of twenty dollars (\$20.00) for failure to carry a statement as required by paragraph (b). The court may waive or suspend the imposition of the penalty for violation of paragraph (a) if it finds that the failure of the defendant to comply was due to his financial inability to acquire a child restraint system. All civil penalties collected pursuant to this section shall be paid into the general fund of the city.

(f) Violations of this section shall not constitute negligence per se; nor shall violation of this section constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. (Ord. No. O-93-301, 11-23-93)

Secs. 25- 148—25- 149. Re served.

DIVISION 2. RECKLESS DRIVING

Sec. 25- 150. Gen er ally.

Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon a highway recklessly, or at a speed, or in a manner, so as to endanger the life, limb or property of any person, shall be guilty of reckless driving; provided, that the driving of a motor vehicle in violation of any speed limit provision of Section 25-193 shall not of itself constitute ground for prosecution for reckless driving under this section. Reckless driving shall be unlawful. (Code 1959, § 20-72)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-852.

Sec. 25- 151. Pen alty.

(a) Any person violating the provisions of this division shall be deemed guilty of a Class 1 misdemeanor.

(b) Except in those cases for which revocation of license is provided under Code of Virginia, paragraph (e) of Section 46.1-417, the court may, in addition to the foregoing punishment, suspend any license issued to such convicted person under Code of Virginia Chapter 5 of Title 46.1 for a period of not less than ten (10) days nor more than six (6) months and the court shall require such convicted person to surrender his license so suspended. If such person so convicted has not obtained the license required by such chapter the court may direct in the judgment of conviction that such person shall not, for a period of not less than ten (10) days nor more than six (6) months as may be prescribed in the judgment, drive or operate any motor vehicle in this state.

(c) The court or the clerk of such court shall transmit such license to the commissioner along with the report of such conviction required to be sent to the division. (Code 1959, § 20-77)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-868, 46.2-392.

Sec. 25- 152. Spe cific in stances.

A person shall be guilty of reckless driving who shall:

(a) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon any street in this city;

(b) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two (2) or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;

(c) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle;

(d) Pass or attempt to pass two (2) other vehicles abreast, moving in the same direction, except on highways having separate roadways of three (3) or more lanes for each direction of travel, or on designated one-way streets or highways;

(e) Drive any motor vehicle, including any motorcycle, so as to be in and parallel to another vehicle in a lane designed for one vehicle, or drive any motor vehicle, including any motorcycle, so as to travel parallel to any other vehicle traveling in a lane designed for one vehicle; provided, however, this subsection shall not apply to any validly authorized parade, motorcade or motorcycle escort;

(f) Overtake or pass any other vehicle proceeding in the same direction at any steam, diesel or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two (2) or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or police officers;

(g) Fail to stop, when approaching from any direction, a school bus, whether publicly or privately owned, which is stopped on any highway or school driveway for the purpose of taking on or discharging children, elderly, mentally or physically handicapped persons, and to remain stopped until all children, elderly, mentally or physically handicapped persons, are clear of the highway or school driveway and the bus is put in motion, except the driver of a vehicle upon a dual highway, when the roadways are separated by a physical barrier or barriers or an unpaved area, need not stop upon approaching a school bus which is on a roadway so separated from the one on which he is driving or an adjoining service road so separated. This subsection shall apply to school buses which are equipped with warning devices prescribed in section 46.1-287, Code of Virginia, and are painted yellow with the words "school bus, stop, state law" in black letters at least six (6) inches high on the front and rear thereof. If space is limited on the front, the words "School Bus" may be in letters at least four (4) inches high. This subsection shall also apply to school buses which are equipped with warning devices as prescribed in section 46.1-287, Code of Virginia, and which are painted yellow with the words "School Bus" in black letters at least eight (8) inches high on the front and rear thereof. Only school buses as defined in section 46.1-1(37), Code of Virginia, which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses;

(h) Fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required by section 25-178;

(i) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;

(j) Drive a motor vehicle upon the streets in this city (i) at a speed of forty-five miles per hour or more where the applicable speed limit is twenty-five miles per hour or less, (ii) at a speed of fifty-five miles per hour or more where the applicable speed limit is thirty or thirty-five miles per hour, (iii) at a speed of sixty-five miles per hour or more where the applicable maximum speed limit is forty or forty-five miles per hour, (iv) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limits where the applicable maximum speed limit is more than forty-five miles per hour, (v) in excess of eighty (80) miles per hour regardless of the posted speed limit;

(k) Fail to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within five hundred (500) feet of such point of entrance, unless a "Yield-Right-of-Way" sign is posted; or where such sign is posted, fail, upon entering such highway, to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction; or

(l) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, or school, or of any recreational facility, or of any business property open to the public, or on the premises of any industrial establishment providing parking space for customers, patrons or employees, or upon any highway under construction or not yet open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person. (Code 1959, § 20-73; Ord. No. O-92-201, 6-23-92, eff. 7-1-92)

State law reference—Similar provisions, Code of Virginia, § 46.2-853 through 46.2-864.

Sec. 25- 153. Rac ing on high ways.

Any person who shall engage in a race between two (2) or more motor vehicles on the highways of the city shall be guilty of reckless driving. When any person shall be convicted of reckless driving under this section, then in addition, to any other penalties provided by law, the operator's or chauffeur's license of such person shall be suspended by the court or judge for a period of not less than (6) months nor more per than two (2) years. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of Section 25-104. (Code 1959, § 20-76)

State law reference—Similar provisions, Code of Virginia, § 46.2-865.

Sec. 25- 154. Aid ers or abet tors.

Any person, although not engaged in a race as defined in Section 25-153, who aids or abets any such race shall be guilty of a class 3 misdemeanor. (Code 1959, § 20-76.1)

State law reference—Similar provisions, Code of Virginia, § 46.2-866.

Sec. 25- 155. Dis re gard ing po lice offi cer's sig nal to stop; pen al ties.

(a) Any person who, having received a visible or audible signal from any police officer to bring his motor vehicle to a stop, shall operate such motor vehicle in a willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle or endanger other property or person, or who shall increase his speed and attempt to escape or elude such police officer shall be guilty of a class 1 misdemeanor.

(b) When any person is convicted under this section, then in addition to the penalties provided herein, the driver's license of such person may be suspended by the court or judge for a period not to exceed one (1) year. However, in any case where the speed of the accused is determined to have exceeded the maximum allowed by fifteen (15) miles per hour where the maximum speed is fifty-five (55) miles per hour or greater, the driver's license shall be suspended by the court or judge trying the case for a period of not less than ninety (90) days. In case of conviction and suspension the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of Section 46.1-425 of the Code of Virginia. (Code 1959, § 20-77.1; Ord. No. O-85-290, § 1, 11-26-85; Ord. No. O-88-184, § 1, 8-9-88)

Secs. 25- 156—25- 161. Re served

DIVISION 3. DRIVING WHILE UNDER THE INFLUENCE

Sec. 25-162. Driving motor vehicle, engine, etc. while intoxicated, etc.

It shall be unlawful for any person to drive or operate any motor vehicle, engine or train (i) while such person has a blood alcohol concentration of 0.08 per cent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in this division, or (ii) while such person is under the influence of alcohol, or (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely. For the purpose of this section, the term "motor vehicle" shall include mopeds, while operated on the public streets, highways, alleys and rights-of-way within the city. (Code 1959, § 20-84; Ord. No. O-82-146, § 1, 7-13-82; Ord. No. O-85-292, § 1, 11-26-85; Ord. No. O-86-146, § 1, 7-8-86; Ord. No. O-88-184, § 1, 8-9-88; Ord. No. O-89-136, § 1, 6-13-89; Ord. No. O-92-201, 6-23-92, eff. 7-1-92; Ord. No. O-94-117, 6-14-94, eff. 7-1-94)

State law references—Authority to prohibit driving while intoxicated, Code of Virginia, § 15.1-132; similar provisions, Code of Virginia, § 18.2-266.

Sec. 25-162.1. Driving a commercial motor vehicle while intoxicated, etc.

(a) It shall be unlawful for any person to drive or operate any commercial motor vehicle (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in this division or (ii) while such person is under the influence of alcohol or (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any commercial motor vehicle safely or (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any commercial motor vehicle safely.

(b) It shall be unlawful and a lesser included offense of an offense under provision (i), (ii), or (iv) of subsection (a) of this section for a person to drive or operate a commercial motor vehicle while such person has a blood alcohol concentration of 0.04 percent or more by weight by volume or 0.04 grams or more per 210 liters of breath as indicated by a chemical test administered in accordance with the provisions of this division. (Ord. No. O-92-201, 6-23-92, eff. 7-1-92; Ord. No. O-94-117, 6-14-94, eff. 7-1-94))

Sec. 25-162.2. Persons under age twenty-one driving after illegally consuming alcohol; penalty.

(a) It shall be unlawful for any person under the age of twenty-one (21) to operate any motor vehicle after illegally consuming alcohol. Any such person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article shall be in violation of this section.

(b) A violation of this section shall be punishable by forfeiture of such person's license to operate a motor vehicle for a period of six (6) months from the date of conviction and by a fine of not more than five hundred dollars (\$500.00). The penalties and license forfeiture provisions set forth in sections 16.1-278.9, 18.2-270 and 18.2-271 of the Code of Virginia, shall not apply to a violation of this section. Any person convicted of a violation of this section shall be eligible to attend an alcohol safety action program under the provisions of section 18.2-271.1 of the Code of Virginia and shall be eligible for a restricted license during the term of license suspension.

(c) Notwithstanding section 16.1-278.8 and section 16.1-278.9 of the Code of Virginia, upon adjudicating a juvenile delinquent based upon a violation of this section, the juvenile and domestic relations district court shall order disposition as provided in subsection (b). (Ord. No. O-94-117, 6-14-94, eff. 7-1-94)

Sec. 25- 168. Adoption of state law.

Pursuant to the provisions of Section 46.2-1313 and Section 18.2-268.12 of the Code of Virginia (1950), as amended, all of the provisions and requirements of Sections 18.2-267, 18.2-268.1 through 18.2-268.11, 18.2-269, 18.2-270, 18.2-271, 18.2-271.1, 18.2-271.2, 18.2-272, 18.2-273 and sections 46.2-301, 46.2-301.1, 46.2-341.24, 46.2-341.25, 46.2-341.26:1 through 46.2-341.26:11, 46.2-341.27, 46.2-341.28, 46.2-341.29, 46.2-341.30, 46.2-341.31, 46.2-341.33, 46.2-341.34 and 46.2-391.2 through 46.2-391.5 of the Code of Virginia (1950) as amended, and in effect on July 1, 1993, are hereby adopted and made a part of this division and this chapter as fully as though set out and are hereby made applicable within the city. References therein to "highways of this state" shall be deemed to refer to streets, highways, alleys and rights-of-way within the city. It shall be unlawful for any person, within the city, to violate or fail, neglect or refuse to comply with any section of the Code of Virginia which is adopted by this section. Pursuant to the provisions of Section 1-13.39:2 of the Code of Virginia, future amendments to the sections of the Code of Virginia that are incorporated in this section are also incorporated by reference herein. (Ord. No. O-82-146, § 1, 7-13-82; Ord. No. O-84-181, § 1, 7-2-84; Ord. No. O-85-292, § 1, 11-26-85; Ord. No. O-86-146, § 1, 7-8-86; Ord. No. O-88-184, § 1, 8-9-88; Ord. No. O-89-136, § 1, 6-13-89; Ord. No. O-90-240, 8-14-90; Ord. No. O-91-206, 9-10-91; Ord. No. O-92-201, 6-23-92, eff. 7-1-92; Ord. No. O-93-165, 6-22-93, eff. 7-1-93; Ord. No. O-94-011, 1-25-94; Ord. No. O-94-117, 6-14-94, eff. 7-1-94)

Sec. 25- 169. Reimbursement of expenses incurred in responding to DUI incidents.

Any person who is convicted of a violation of sections 18.2-514, 18.2-266 or 29.1-738 of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, or a similar city ordinance, when a person's operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the city or to any volunteer rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident or incident occurring in the city.

In determining the "reasonable expense," the city or volunteer rescue squad may bill a flat fee of one hundred dollars (\$100.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the locality or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth herein. (Ord. No. O-02-017, 1/29/02)

Secs. 25- 170—25- 173. Reserved.

DIVISION 4. TURNING MOVEMENTS

Sec. 25- 174. Turning around in streets.

(a) The driver of a vehicle in the city shall not turn such vehicle so as to proceed in the opposite direction except at an intersection of highways; provided, however, that no driver shall cause any vehicle to make a turn to proceed in the opposite direction at any intersection where there is a sign or other marking prohibiting such action.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from any direction within five hundred feet (500) feet. (Code 1959, § 20-108)

State law reference—Similar provisions, Code of Virginia, § 46.2-845.

Sec. 25- 175. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection or other location on any highway, except as prohibited by any provision of this chapter, shall do so as follows:

(a) Right turn. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, and at any crossover from one roadway of a divided highway to another roadway thereof on which traffic moves in the opposite direction, the driver of a vehicle intending to turn left at any such intersection or crossover shall approach the intersection or crossover in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (Code 1959, § 20-109)

State law reference—Similar provisions, Code of Virginia, § 46.2-846.

Sec. 25- 176. Markers, etc., regulating turns.

The city traffic engineer may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at any intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs. (Code 1959, § 20-109)

State law reference—Similar provisions, Code of Virginia, § 46.2-846.

Sec. 25- 177. Signals required—Generally.

Every driver who intends to start, back, stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give such signals as are required in sections 25-178, 25-179 or 25-180 plainly visible to the driver of such other vehicle, of his intention to make such movement. (Code 1959, § 20-110)

State law reference—Similar provisions, Code of Virginia, § 46.2-848.

Sec. 25- 178. Same—How given.

(a) The signals required in section 25-177 shall be given by means of the hand and arm or by some mechanical or electrical device approved by the superintendent of state police, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn or partly turn by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(1) Left: For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder.

(2) Right: For right turn or to pull to the right, the arm shall be extended upward.

(3) Slow or stop: For slowing down or to stop, the arm shall be extended downward.

(b) Whenever the lawful speed is more than thirty-five (35) miles per hour, such signals shall be given continuously for a distance of at least one hundred (100) feet, and in all other cases at least fifty (50) feet, before slowing down, stopping, turning, partly turning or materially altering the course of the vehicle. (Code 1959, § 20-111)

State law reference—Similar provisions, Code of Virginia, § 46.2-849.

Sec. 25- 179. Same—Change of course.

Drivers having once given a hand, electrical or mechanical device signal must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change. (Code 1959, § 20-112)

State law reference—Similar provisions, Code of Virginia, § 46.2-850.

Sec. 25- 180. Same—Duty of drivers receiving signals.

Drivers receiving a signal from another driver shall keep their vehicle under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal. (Code 1959, § 20-113)

Sec. 25- 181. Same—Drivers of parked vehicles.

Drivers of vehicles standing or stopped at the curb or edge before moving such vehicles shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle will proceed from the curb. (Code 1959, § 20-114)

State law reference—Similar provisions, Code of Virginia, § 46.2-851.

Secs. 25-182—25-192. Reserved.

ARTICLE VI. SPEED LIMITATIONS*

Sec. 25- 193. Maximum limits generally.

No person shall drive any vehicle upon a highway of this city at a speed in excess of:

(a) Twenty-five (25) miles per hour in a business or residential district unless otherwise prescribed by the proper authorities of the city pursuant to the provisions of Code of Virginia, section 46.2-878.

(b) Thirty-five (35) miles per hour unless otherwise prescribed by the proper authorities of the city pursuant to the provisions of Code of Virginia, section 46.2-878.

(c) The maximum speed limit for school buses shall be forty-five (45) miles per hour or the minimum speed limit allowable, whichever is greater, on any highway where the maximum speed limit is fifty-five miles or less. However for any such vehicle which takes on or discharges children, the maximum speed limit shall be thirty-five (35) miles per hour between the first stop and the last stop, not including the school.

(d) Twenty-five (25) miles per hour between portable signs, tilt-over signs or fixed blinking signs placed in or along any highway bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than six hundred (600) feet from the limits of the school property or crossing in the vicinity of the school, which is used by children going to and from the school. However, "school crossing" signs may be placed in any location within the city that has been approved for such signs by the city council. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board, preferably not a classroom teacher, to place such portable signs in the highway at a point not more than six hundred (600) feet from the limits of the school property and remove such signs when their presence is no longer required by this subsection. Such portable signs, tilt-over signs or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs, tilt-over signs or blinking signals shall be in a position, or be turned on, for thirty (30) minutes preceding regular school hours and for thirty (30) minutes thereafter and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. The city council may decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or lit if it determines that no children will be going to or from school during the period of time that it subtracts from the thirty (30) minute period. The city council may increase or decrease the speed limit provided in this subsection only after justification for such increase or decrease has been shown by an engineering and traffic investigation; and provided further, that no such increase or decrease in the speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted upon the portable signs, tilt-over signs or fixed blinking signs required by this subsection.

(e) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(f) Whenever the city traffic engineer determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the traffic engineer may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(g) Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 25-3. However, any person operating any motor vehicle in excess of maximum speed limit established specifically for a school crossing zone, when such school crossing zone is (i) indicated by appropriately placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection (d) of this section shall be guilty of a traffic infraction punishable by a fine of not more than two hundred fifty dollars (\$250.00), in addition to other penalties provided by law.

For purposes of this section, "school crossing zone" means an area located within the vicinity of a school or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.

(h) Notwithstanding the foregoing provisions of this section, the maximum speed limit in school zones in residential areas may be decreased to fifteen (15) miles per hour if (i) the school board passes a resolution requesting the reduction of the maximum speed limit for a particular school zone from twenty-five (25) miles per hour to fifteen (15) miles per hour and (ii) the city council enacts an ordinance establishing the speed-limit requested by the school board. (Code 1959, § 20-78; Ord. No. O-01-159, 8-14-01)

***Cross reference**—Speed limits for railroad trains, § 33-8.

State law references—Maximum speed limits generally, Code of Virginia, § 46.2-870 et seq.; authority of city to vary speed limits, Code of Virginia, § 46.2-1300.

Sec. 25-194. Limits for specific streets.

Upon any streets or highways within the city where a maximum speed limit has been established and posted as maintained in the traffic engineering files, no person shall drive a vehicle in excess of such maximum speed limit. (Code 1959, § 20-80)

Sec. 25-194.1. Repealed. (O-93-053)

Editor's note—Section 25-194.1 pertaining to enumerated speed limits, which was derived from Code 1959, § 20-80.2, was repealed by Ord. No. O-93-053, 2-23-93, and which was replaced by Section 25-194.2.

Sec. 25-194.2. Authority of city manager to set speed limits.

(a) Notwithstanding the speed limits fixed by other sections of this chapter, the city manager is expressly authorized to increase or decrease or establish speed limits on all streets maintained by the city; provided, that such speed limits are clearly indicated by markers or signs and such speed limits shall be based on engineering and traffic investigation pursuant to Section 46.2-1300 of the Code of Virginia. The city manager is further authorized to fix the speed on streets of the city for congested areas or curves, right angle turns or other dangerous points on the streets, when such areas or points are clearly indicated by marker or signs and such speed limits are based on an engineering or traffic investigation.

(b) The city manager is expressly authorized to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed on any street or highway of the city on which work is being done or where the street or highway is under construction or repair.

(c) It shall be unlawful for any person to drive any motor vehicle in excess of any speed fixed by the city manager in accordance with the provisions of this section, if such speed limit is clearly indicated by markers or signs. (Ord. No. O-93-053, 2-23-93)

Sec. 25-194.3. Decreased maximum speed limit in highway work zones.

The operation of any motor vehicle in excess of a maximum speed limit as established specifically for a highway work zone, when workers are present and when such highway work zone is indicated by appropriately placed signs displaying the reduced maximum speed limit and the penalty for violations, shall be unlawful and shall constitute a traffic infraction punishable by a fine of not more than two hundred fifty dollars (\$250.00).

For the purposes of this section, "highway work zone" means a construction or maintenance area that is located on or beside a City highway and marked by appropriate warning signs or other traffic control devices indicating that work is in progress.

Nothing in this section shall preclude the prosecution or conviction for reckless driving of any motor vehicle operator whose operation of any motor vehicle in a highway work zone, apart from speed, demonstrates a reckless disregard for life, limb, or property. (Ord. No. O-93-102, 4-13-93)

Sec. 25-195. When markers required for conviction.

No person shall be convicted of a violation of an ordinance enacted by the city council pursuant to the provisions of Code of Virginia, Section 46.1-180, decreasing the speed limit established in Section 25-193, paragraph (b), when such person has exceeded the speed limit in an area where the speed limit has been decreased, unless such area is clearly indicated by a conspicuous marker at the termini of such area. (Code 1959, § 20-79)

Sec. 25-196. Not applicable to certain vehicles under certain circumstances.

(a) The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law, or of persons charged with or suspected of any such violations, or in testing the accuracy of speedometers on

police vehicles, or in testing the accuracy of the radio microwave or other electrical devices specified in Section 25-197 nor to fire department vehicles when traveling in response to a fire alarm or pulmotor call, nor to ambulances when traveling in emergencies outside the city.

(b) These exemptions granted to such a moving vehicle shall apply only when the operator of such vehicle displays a flashing, blinking or alternating red light and sounds a siren, bell, exhaust whistle or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and only when there is in force and effect for such vehicle standard automobile liability insurance covering injury or death to any one person in the sum of at least one hundred thousand dollars (\$100,000.00) in any one accident, and subject to the limit for one person, to a limit of three hundred thousand dollars (\$300,000.00) because of bodily injury to or death of two (2) or more persons in any one accident, and to a limit of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall be construed to release the operator of any such vehicle from the civil liability for failure to use reasonable care in such operation. (Code 1959, § 20-81)

State law reference—Similar provisions, Code of Virginia, § 46.2-920.

Sec. 25- 197. Checking speed with electrical devices; certificate as to accuracy; arrest without warrant.

(a) The speed of any motor vehicle in the city may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

(b) In any court or legal proceedings in which any question arises as to the calibration or accuracy of any radio microwaves or other electrical device used to check the speed of any motor vehicle, a certificate, executed and signed by the officers calibrating or testing such device for its accuracy and stating the time of such test, type of test and results of testing when such certificate is accompanied by a certificate, or a true copy thereof showing the calibration or accuracy of the speedometer of any vehicle employed in calibrating or testing such device, and when and by whom such speedometer calibration was made, shall be admissible when attested by one such officer who executed and signed it as evidence of the facts therein stated and the results of such testing.

(c) The driver of any such motor vehicle may be arrested without a warrant under this section; provided, that the arresting officer is in uniform and displays his badge of authority; provided further, that such officer has observed the registration of the speed of such motor vehicle by the radio microwaves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the radio microwaves or other electrical device; provided that, in case of an arrest based on such a message that such radio message has been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer. (Code 1959, § 20-82)

State law reference—Similar provisions, Code of Virginia, § 46.2-882.

Sec. 25- 198. Prohibiting use of devices to detect presence of radar, penalty.

(a) It shall be unlawful for any person to operate a motor vehicle upon the highways of this city when such vehicle is equipped with any device or mechanism to detect radar employed by law enforcement personnel to measure the speed of motor vehicles upon the highways of this city for law enforcement purposes; it shall be unlawful to use any such devices or mechanism upon any such motor vehicle upon the highways. It shall be unlawful for any person to sell any such device or mechanism in this city. Provided, however, that the provisions of this section shall not apply to any receiver of radio waves utilized for lawful purposes to receive any signal from a frequency lawfully licensed by any state or federal agency. Any

person violating any provisions of this section shall be punished by a fine of not more than two hundred dollars (\$200.00).

This section shall not be construed to authorize the forfeiture of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with the violation of this section, or at that person's request, his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six (6) months have elapsed from the final date for filing an appeal.

(b) No person shall be guilty of a violation of this section when a device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

(c) Except as provided in subsection (b) of this section, the presence of any such prohibited device or mechanism in or upon a motor vehicle upon the highways of this city shall constitute prima facie evidence of the violation of this section. The city need not prove that the device in question was in operative condition or being operated.

(d) This section shall not apply to any motor vehicles owned by the state or any political subdivision thereof and which are used by law enforcement officers in their official duties, nor to the sale of any such device or mechanism to law enforcement agencies for use in their official duties.

(e) No demerit points shall be awarded by the commissioner of the division of motor vehicles for violations of this section. (Code 1959, § 20-82.1; Ord. No. O-94-288, 11-8-94)

State law reference—Similar provisions, Code of Virginia, § 46.2-1079.

Sec. 25- 199. Ta ble of speed and stop ping dis tances.

(a) All courts shall take notice of the following table of speed and stopping distances of motor vehicles, which shall not raise a presumption, in actions in which inquiry thereon is pertinent to the issues:

Speed In		Average Stopping Distances			Total Stopping Distance: Driver and	
Miles Per Hour	Feet Per Second	Automobile Brakes (In Feet)	Truck Brakes (Brakes on All Wheels) (In Feet)	Average Driver Reaction Time (3/4 Second) (In Feet).	Automobiles (In Feet)	Trucks (In Feet)
10	14.67	5	7	11	16	18
15	22.0	12	17	16	28	33
20	29.34	21	30	22	43	52
25	36.62	32	47	27	59	74
30	44.0	47	67	33	80	100
35	51.3	63	92	38	101	130
40	58.7	82	120	44	126	164
45	66.0	104	152	50	154	202
50	73.3	128	187	55	183	242
55	80.7	155	227	61	216	288
60	88.0	185	270	66	251	336
65	95.3	217	316	71	288	387
70	102.6	252	367	77	329	444
75	109.9	289	422	82	371	504
80	117.2	328	480	88	416	568
90	132.0	425	607	99	524	706
100	145.6	514	750	109	623	859

(b) The courts shall further take notice that such table is the result of experiments made with motor vehicles, unloaded except for the driver, equipped with four-wheel brakes, in good condition, on dry, hard, approximately level stretches of highway free from loose material. (Code 1959, § 20-83)

State law reference—Similar provisions, Code of Virginia, § 46.2-880.

Secs. 25-200-25-210. Reserved.

ARTICLE VII. TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES**DIVISION 1. GENERALLY****Sec. 25- 211. Drivers to obey signs.**

The driver of a motor vehicle, trailer or semitrailer shall stop, slow down or regulate the speed of such motor vehicle, trailer or semitrailer to accord with the requirements of road signs, signals, markings or lights erected upon the authority of the state highway commission, proper agencies of the federal government or the city manager, and the failure of such driver to comply with this provision shall constitute a misdemeanor and be punished in accordance with the provisions of section 25-3, unless otherwise prescribed. (Code 1959, § 20-41)

State law reference—Similar provisions, Code of Virginia, § 46.2-830.

Sec. 25- 212. Others than official signs prohibited.

No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this chapter, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising. Nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization which has been authorized to erect the same by the state highway commission or by the city manager; nor shall this section be construed to prohibit the erection by contractors or public utility companies of temporary signs approved by the state highway department warning motorists that work is in progress upon the highway or adjacent thereto. (Code 1959, § 20-42)

State law reference—Similar provisions, Code of Virginia, § 46.2-831.

Sec. 25- 213. Injuring signs.

Any person who shall deface, obscure, injure, knock down or remove any sign legally posted as provided in this chapter shall be guilty of a misdemeanor. (Code 1959, § 20-43)

State law reference—Similar provisions, Code of Virginia, § 46.2-832.

Sec. 25- 214. Signals by lights or semaphores.

(a) Signals by lights or semaphores shall be as follows:

(1) Red indicates that traffic then moving shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a lighted green arrow; provided, however, that except where a sign is placed prohibiting turns on red, vehicular traffic facing a steady red signal may, after coming to a full stop, cautiously enter the intersection to make a right turn, or to make a left turn if such left turn is made from a highway which allows for traffic in but one direction into another highway which allows for traffic in but one direction and after making such left turn the turning traffic will be going in that direction. Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(2) Green indicates that traffic shall then move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

(3) Amber indicates that a change is about to be made in the direction of the moving traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but that which has already entered the intersection shall

continue to move until the intersection has been entirely cleared. The amber signal is a warning that the red signal is imminent.

(4) The use of a flashing red indicates that traffic shall stop before entering an intersection and the use of a flashing amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances.

(b) Officers of the law and uniformed school crossing guards may assume control of traffic otherwise controlled by lights or semaphores and in such event signals by such officers and uniformed crossing guards shall take precedence over such lights and semaphores. (Code 1959, § 20-40; Ord. of 1-11-77)

State law reference—Similar provisions, Code of Virginia, § 46.2-833.

Sec. 25-215. Signals by traffic officers.

Police officers and uniformed school crossing guards may direct traffic by signals. Such signals other than by voice shall be as follows:

(a) To stop traffic by hand: Stand with shoulders parallel to moving traffic. Raise arms forty-five (45) degrees above shoulder with hand extended, palm towards moving traffic to be stopped.

(b) To move traffic by hand: Stand with shoulders parallel to traffic to be moved. Extend right arm and hand full length at height of shoulders towards such traffic, fingers extended and joined, palm down. Bring hand sharply in direction traffic is to move. Repeat movement with left arm and hand to start traffic from opposite direction.

(c) To start and stop traffic by whistle: One blast, moving traffic to stop; two (2) blasts, traffic in opposite direction to move.

(d) Emergency stop of traffic by whistle: Three (3) or more short blasts, all traffic shall immediately clear the intersection and stop. (Code 1959, § 29-39)

State law reference—Similar provisions, Code of Virginia, § 46.2-1309.

Secs. 25-216—25-221. Reserved.

DIVISION 2. ONE-WAY STREETS

Sec. 25-222. One-way road ways.

The city traffic engineer may designate any highway or separate roadway under the jurisdiction of the city for one-way traffic and shall erect appropriate signs, and traffic thereon shall move only in the direction designated. (Code 1959, §§ 20-98, 20-125(a))

State law reference—Similar provisions, Code of Virginia, § 46.2-806.

Sec. 25-223. Variances; permit.

When it can be demonstrated to the satisfaction of the city manager, or his duly authorized representative, that the strict enforcement of this division will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicles on such one-way streets, then in such event the city manager, or his duly authorized representative, is authorized to issue a special permit to such person permitting a variance from the provisions of this division. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the city manager, or his duly authorized representative, that the granting of such permit will

alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience to the person who seeks such permit. (Code 1959, § 20-125(b))

Secs. 25-224—25-229. Reserved.

DIVISION 3. STOP, YIELD INTERSECTIONS

Sec. 25-230. Authority to designate intersections.

The city traffic engineer shall designate intersections at which vehicles shall come to a full stop or yield the right-of-way; provided, that no section based on this authority shall be deemed violated if, at the time of the alleged violation the sign or marker placed in conformity with this section is missing or defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the regulation. (Code 1959, § 20-126)

State law reference—Authority to authorize an officer of the city to designate intersections at which vehicles shall stop or yield the right-of-way, Code of Virginia, § 46.2-1301

Sec. 25-231. Designation of through streets.

For the purpose of promoting the safe use of the streets of the city, the city manager, or his duly authorized official, shall have the authority to designate according to his judgment certain streets or portions of streets as through or arterial streets. A listing of such through or arterial streets shall be maintained in the traffic engineering files. All traffic proceeding regularly along such designated through or arterial streets shall have the right-of-way over traffic entering such streets. (Code 1959, § 20-127)

Sec. 25-232. Obedience to signs.

All vehicles and bicycles shall, upon arrival at and before entering any through street or stop or yield intersection, obey the traffic signs posted at or near such intersections. (Code 1959, § 20-127)

Sec. 25-233. Stop regulations.

When a “stop” sign is posted at or near the entrance to any arterial street or designated intersection, every driver of a vehicle approaching such stop sign shall, before proceeding to enter such street or intersection, come to a full stop at the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. A listing of all such stop intersections shall be maintained in the traffic engineering files. (Code 1959, § 20-127)

Sec. 25-234. Yield regulations.

When a “yield-right-of-way” sign is posted at or near the entrance to any through street or designated intersection, every driver of a vehicle approaching such sign shall, before proceeding to enter such street or intersection, yield the right-of-way to the drivers of all vehicles approaching from either direction on the through or arterial street. A listing of all such yield intersections shall be maintained in the traffic engineering files. (Code 1959, § 20-127)

Sec. 25-235. Exceptions.

Where there is a traffic officer or signal device at any intersection, the traffic officer or signal device when in operation shall control traffic. (Code 1959, § 20-127)

Secs. 25-236—25-246. Reserved.

ARTICLE VIII. STOPPING, STANDING AND PARKING*

DIVISION 1. GENERALLY

Sec. 25-247. Restricted and no-parking areas.

The city traffic engineer is hereby authorized and directed to determine and define street areas within which the volume of vehicular traffic is such as to require restrictions upon parking of vehicles; to classify vehicles with reference to parking; to designate the time, place and manner in which such vehicles may be allowed to park upon the highways; to make such rules and regulations as traffic conditions may require in various areas and under the varying conditions which may prevail at different times. A listing of such restrictions shall be maintained in the traffic engineering files. It shall be the duty of the traffic engineer, upon the promulgation of such regulations, and before the same shall become effective, to give such public notice thereof, by establishing and posting signs, or otherwise, as may be reasonably adequate to make clear to the operators of vehicles in "no-parking" or "restricted parking" areas, the existence, nature and requirements of such regulations. From and after the effective date of regulations imposed in any area by virtue of the provisions of this chapter, it shall be unlawful for any person to stop or park any vehicle in any restricted or prohibited area otherwise than in accordance with these regulations. (Code 1959, § 20-129)

Sec. 25-248. Ownership of vehicle presumption.

In any prosecution charging a violation of any parking prohibition or restriction ordinance, regulation or rule, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such ordinance, regulation or rule, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Code of Virginia, Chapter 3 (section 46.1-41 et seq.) shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred. (Code 1959, § 20-129)

Sec. 25-249. Penalty for violation of division.

Unless otherwise provided, any person violating the provisions of this division relating to overtime parking shall be punished by a fine of ten dollars (\$10.00) for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of twenty dollars (\$20.00) for each offense. (Code 1959, § 20-151; Ord. of 9-27-77; Ord. No. O-95-070, 3-28-95, eff. 6-1-95; Ord. No. O-97-235, 11-25-97, eff. 1-1-98)

Sec. 25-250. Stopping on highways—Generally.

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

*Cross reference—Parking at city market, §13-21 et seq.

State law reference—Local parking regulations, Code of Virginia, §46.2-1220.

(b) No person shall leave any vehicle, attended or unattended, upon the paved, improved or main-traveled portion of any highway, outside of the business or residence district, when it is practicable to leave such vehicle standing off the paved, improved or main-traveled portion of such highway.

(c) Except upon one-way streets as provided in this chapter, and when actually loading or unloading merchandise as provided in Section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway. In no instance shall such vehicle be parked with the rear wheels further than six (6) inches from the curb.

(d) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, not to exceed twenty-five dollars (\$25.00), of the owner if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.

(e) The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways. (Code 1959, § 20-134; Ord. No. O-88-014, § 1, 1-26-88)

State law reference—Similar provisions, Code of Virginia, §§ 46.2-888, 46.2-889.

Sec. 25-251. Same—Mail vehicles.

The provisions of section 25-250(a) shall not apply to any rural mail carrier stopping on the highway while loading or unloading mail at a mailbox; provided that there be lettered on a sign securely attached to and displayed at the rear of such vehicle, in letters at least four (4) inches in height, the following:

CAUTION
FREQUENT STOPS
U.S. MAIL

Nor shall the provisions of section 25-250(a) apply to such mail carrier so stopped if, in lieu of such sign, the vehicle has, and is using, supplemental turn signals mounted at each side of the vehicle upon the roof. Between the lights on the assembly shall be mounted a sign with the words "U.S. Mail," which sign shall be yellow with black letters at least four (4) inches in height, and which sign shall be of the type approved by the superintendent of state police. The lettered sign shall be folded down out of vision prior to the first stop on the route and following the last stop on the route.

Provided, further, that nothing in this section shall be construed so as to relieve any such mail carrier from civil liability for such stopping on any highway, if he is negligent in so doing, and if such negligence proximately contributes to any personal injury or property damage resulting therefrom. (Code 1959, § 20-134(f))

State law reference—Similar provisions, Code of Virginia, § 46.2-892.

Sec. 25-252. To discharge cargo or passengers; school buses.

No truck or bus, or part thereof, except a school bus, shall be stopped on the traveled portion of any highway for the purpose of taking on or discharging cargo or passengers, unless the operator cannot leave the traveled portion of the highway with safety. A school bus may be stopped on the traveled portion of the highway when taking on or discharging schoolchildren, but these stops shall be made only at points where it can be clearly seen for a safe distance from both directions. (Code 1959, § 20-136)

State law reference—Similar provisions, Code of Virginia, § 46.2-893.

Sec. 25-253. Flares and other signals when vehicle disabled on highway after dark—Required.

Whenever any bus, truck, trailer, house trailer or mobile home is disabled and stops upon any portion of the traveled portion of any highway in this city, except upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles by section 25-320, the operator of such bus, truck, trailer, house trailer or mobile home shall place or cause to be placed on the roadway three (3) red reflector flares or torches of a type approved by the superintendent. One of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus, truck, trailer, house trailer or mobile home and not less than one hundred (100) feet therefrom in the direction of the traffic approaching in that lane, one not less than one hundred (100) feet from such bus, truck, trailer, house trailer or mobile home in the opposite direction and one at the traffic side of such bus, truck, trailer, house trailer or mobile home not closer than ten (10) feet from the front or rear thereof; provided, however, that if such bus, truck, trailer, house trailer or mobile home is disabled within five hundred (500) feet of a curve or crest of a hill, or other obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred (500) feet from the disabled vehicle. Red reflectorized triangular warning devices of a type approved by the superintendent may be used in lieu of flares or torches. (Code 1959, § 20-137)

State law reference—Similar provisions, Code of Virginia, § 46.2-111.

Sec. 25-254. Same—When red reflector flares or lanterns required.

If any vehicle referred to in Section 25-253 is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting flammable gases, red reflector flares or red electric lanterns of a type approved by the superintendent shall be used. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided in section 25-253. (Code 1959, § 20-138)

State law reference—Similar provisions, Code of Virginia, § 46.2-111.

Sec. 25-255. Same—When red flags required in stead of flares, etc.

During such time as lights on motor vehicles are not required red flags not less than twelve (12) inches both in length and width shall be used in place of flares, torches, reflectors or lanterns. The flags shall be placed upon the roadway in the manner prescribed in sections 25-253 and 25-254 for flares, torches, reflectors and lanterns, except that no flag shall be required to be placed at the side of such vehicle; but if the disablement of such vehicle continues into the period when lights on motor vehicles are required, flares, torches, reflectors or lanterns shall be placed as required by sections 25-253 and 25-254. Red reflectorized triangular warning devices of a type approved by the superintendent may be used in lieu of flags. (Code 1959, § 20-139)

State law reference—Similar provisions, Code of Virginia, § 46.2-111.

Sec. 25-256. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;

- (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty (20) feet of a crosswalk at an intersection;
 - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
 - (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing;
 - (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
 - (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
 - (12) On the roadway side of any vehicle parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
 - (14) At any place where official signs prohibit parking;
 - (15) Between the street curb, or the edge of the paved portion of the roadway when there is no street curb, and the adjacent sidewalk.
- (b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (Code 1959, § 20-131; Ord. of 6-12-79)

State law reference—Similar provisions, Code of Virginia, § 46.2-1239.

Sec. 25-257. Parking on private property.

No person shall stand or park a vehicle on any private property or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such property or lot area. (Code 1959, § 20-132)

Sec. 25-257.1. Parking on city property.

The city traffic engineer is hereby authorized to establish regulations concerning the parking of vehicles on all property owned or leased by the city, including, pursuant to Section 25-267 of this code, the towing of vehicles parked on such property in violation of such regulations. He shall cause signs to be erected at or near each place to be so regulated sufficient to apprise an ordinarily observant person of such regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs. The provisions of this section shall apply to vehicles parked at the Lynchburg Regional Airport in violation of parking

regulations. (Code 1959, § 20-130.1; Ord. of 10-26-76; Ord. No. O-92-277, 9-8-92; Ord. No. O-97-231, 11-25-97)

Sec. 25-257.2. Repealed (Ord. No. O-97-236, 11-25-97)

Sec. 25-258. Parking for certain purposes prohibited.

(a) It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley, or parkway of the city indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

(b) It shall be unlawful to stop a vehicle at any time upon the highway for the purpose of advertising any article of any kind, or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself. (Code 1959, § 20-133)

Sec. 25-259. Backing up to curbs.

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom; provided, however, that on Main Street between Fourth and Thirteenth Streets, no vehicle shall be backed up to a curb for any purpose, without a special permit from the police division. (Code 1959, § 20-135)

Sec. 25-260. Angle parking.

Notwithstanding any of the provisions of this chapter, the city manager may, when in his discretion the public interest so requires, provide for angle parking on any street, or portion thereof; provided, however, that such streets are marked so as to apprise an ordinarily observant person of the regulation. (Code 1959, § 20-140)

Sec. 25-261. Parking vehicles without state license on highways.

It shall be unlawful to park any vehicle having no current state license on any highway. (Code 1959, § 20-141)

Sec. 25-261.1. Repealed (Ord. No. O-95-242, 9-12-95)

Sec. 25-262. Parking prohibitions within certain areas.

(a) No vehicle, other than a passenger vehicle, pickup or panel truck not exceeding an actual gross weight of seven thousand five hundred (7,500) pounds, shall be parked or left standing in any street of the city in any residential district thereof, for any purpose or length of time, other than for the unloading and delivery or pick-up and loading of merchandise, materials or passengers or while making service calls. Provided, however, that even when engaged in the above-described activities no oversized vehicle shall be parked upon a residential street for any period in excess of forty-eight (48) hours. This prohibition shall not apply to vehicles being used in connection with city projects for the construction, repair, maintenance, remodeling, alteration, grading or other improvement of city-owned property, public streets, public sewers or city-owned utility lines. Vehicles being used in connection with non-city utility and construction work may be allowed to park on residential streets for periods in excess of forty-eight (48) hours with the prior written permission of the city traffic engineer.

(b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous materials shall be permitted to be parked over-night on a residential street.

(c) During the time an oversized vehicle is temporarily parked on a residential street it must be parked in such a manner that it does not impede or render dangerous the use of the public street by others. (Code 1959, § 20-142(c); Ord. No. O-96-145, 5-28-96)

Sec. 25-262.1. Removal or concealment of parking enforcement identification marks.

It shall be unlawful for any person to remove, alter or conceal any parking enforcement identification marks placed on any motor vehicle by any officer or employee of the Lynchburg police department for the purpose of enforcing the parking restrictions contained in this article. Any person violating this section shall be punished by a fine of fifty dollars (\$50.00). (Ord. No. O-95-070, 3-28-95, eff. 6-1-95)

Sec. 25-263. (Repealed by Ord. No. O-95-242, 9-12-95)

Sec. 25-264. Exemption for jurors of parking limitations on certain streets.

To facilitate the proper functioning of the general district and circuit courts of the city when in session, the city manager, or his duly authorized official, is authorized to issue to any person summoned for jury service, special exemption certificates which, when issued, would exempt the holder thereof from the provisions of the parking limitations posted on certain streets in the vicinity of the courthouse, to be designated by the city manager; and the city manager is further authorized and empowered to promulgate all necessary rules and regulations covering the issuance of such exemption certificates to effectuate such purpose. It shall be unlawful for any person to violate any rules and regulations promulgated hereunder. (Code 1959, § 20-143)

Sec. 25-265. Man ner of us ing load ing zones.

Where a loading and unloading zone has been set apart by the city manager in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

(a) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name in letters three (3) inches high on both sides of the vehicle.

(b) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. (Code 1959, § 20-144; Ord. No. O-88-232, 9-13-88)

Sec. 25-266. Man ner of us ing bus stops and taxi cab stands.

Where a bus stop or taxicab stand has been set apart by the city manager in accordance with the applicable provisions of this chapter, no person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (Code 1959, § 20-145)

Sec. 25-267. Removal and disposition of vehicles unlawfully parked on private or city property.

It shall be lawful for any owner, operator or lessee of any parking lot or parking area or space therein, or part thereof, or of any other lot or building, including the city, or authorized agent of the person having control of such premises, to have any motor or other vehicle, occupying such lot, area, space or building, or part thereof, without the permission of such owner, operator, lessee or authorized agent of the one having the control of such premises removed, by towing or otherwise, to a licensed garage for storage until called for by the owner or his agent; provided, that notice of such action shall be first or simultaneously therewith

given to at least one (1) of the local law enforcement officers; provided further, that in the event of such removal and storage the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage. All businesses engaged in towing vehicles without the consent of their owners shall prominently display at their main place of business a comprehensive list of all their fees for towing, recovery and storage services, or the basis of such charges. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered or stored without his consent. However, notwithstanding the foregoing provisions of this section, if the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner of the trespassing vehicle shall be liable for a reasonable fee not to exceed twenty-five dollars (\$25.00) in lieu of towing.

In lieu of having such vehicle removed by towing or otherwise, it shall be lawful for such owner, operator, lessee or authorized agent, including the city, to cause the vehicle to be immobilized by a boot or other device that prevents the vehicle from being moved by preventing a wheel from turning; provided such boot or other device is of a design that does no damage to the vehicle or wheel; and provided further, that the charge for the removal of such boot or device shall not exceed twenty-five dollars (\$25.00). In lieu of having such vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, it shall be lawful for such owner, operator, lessee or authorized agent to cause to have a duly authorized police officer issue on such premises a notice of a violation of Section 25-257 of the City Code to the registered owner of such vehicle.

This section shall not apply to police, fire or public health vehicles or where a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another. (Code 1959, § 20-149; Ord. No. O-88-013, § 1, 1-26-88)

Sec. 25- 268. Liability for damage to vehicles parked in free parking lot.

(a) No action shall lie or proceeding be brought against any person conducting any business and maintaining a parking lot, at which free parking accommodations are provided for customers or employees of such business, when a motor vehicle is parked in such parking lot, for the total or partial loss of such motor vehicle by reason of theft or damage by any person other than the employee or for the total or partial loss of property left in such motor vehicle by reason of theft or damage by any person other than an employee.

(b) As used in this section, "free parking accommodations" means parking accommodations for which no specific charge is made and the patronage of the business by customers and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

(c) Nothing in this section shall relieve any person of liability resulting from his own wrongdoing. (Code 1959, § 20-150)

State law reference—Similar provisions, Code of Virginia, § 46.2-1234.

Sec. 25- 269. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

(a) Whenever there is found parked upon the public streets or highways or public grounds of the city any motor vehicle against which there are three (3) or more outstanding, unpaid or otherwise unsettled parking violation notices or citations, such vehicle may, by towing or otherwise, be removed to another place for temporary storage and safekeeping by an officer or employee of the police department, or by any other person acting under the direction of such officer or employee, or such vehicle may be immobilized in such manner as to prevent its removal or operation.

(b) It shall be the duty of any police officer or employee of the police department removing or immobilizing the motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform

as soon as practical the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices or citations for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle in an conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move the vehicle might damage it.

(c) The owner of an immobilized vehicle, or other person acting on the owner's behalf, shall be allowed at least twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of a police officer or employee of the police department.

(d) The owner of such immobilized motor vehicle, or other person acting on the owner's behalf, may repossess or secure the release of the vehicle by payment of the outstanding parking violations notices or citations for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such motor vehicle may be sold in accordance with the procedures set forth in section 46.2-12.13 and 46.2-12.17 of the Code of Virginia.

(e) The owner or other person entitled to lawful procession of a removed or immobilized motor vehicle shall have the right to request a hearing before the city's director of finance or his designee in order to determine the validity of the removal or immobilization. A hearing must be requested in writing within fourteen (14) days after the motor vehicle is immobilized or removed. Administrative hearings will be held between 8:30 a.m. and 5:00 p.m. any weekday which is not a holiday. The hearing officer will review the circumstances and any evidence presented and decide whether just cause existed for the removal or immobilization of a motor vehicle. Anyone wishing to contest a removal or immobilization, should bring the outstanding parking violation notices or citations along with the vehicle registration and any other documentation to be presented to the hearing officer. The removal, immobilization and storage cost will be waived only if the hearing officer determines that the vehicle was improperly removed or immobilized. The hearing shall be in the form of an administrative proceeding rather than a judicial trial and the rules of evidence shall not apply. The decision of the designated hearing officer is final and is not subject to appeal.

(f) Nothing in this section shall be construed to deprive any person of their constitutional right to a hearing in a court of competent jurisdiction as to the outstanding parking violation notices or citations which led to the removal or immobilization of the motor vehicle.

(g) The provisions of this section shall apply to motor vehicles parked at the Lynchburg Regional Airport. (Ord. No. O-95-070, 3-28-95, eff. 6-1-95; Ord. No. O-97-231, 11-25-97)

Secs. 25- 270—25- 274. Reserved.

DIVISION 2. REMOVAL OF UNATTENDED, ABANDONED, ETC., VEHICLES*

Sec. 25- 275. Removal authorized.

Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten (10) days upon any public property or privately owned property other than the property of the owner of

***Cross reference**—Inoperative vehicles, § 21-61 et seq.

State law reference—Authority to provide for removal of unattended, abandoned, etc., motor vehicles, Code of Virginia, § 46.2-1213.

such motor vehicle, trailer or semitrailer, within the city, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area provided; however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. For purposes of this division it shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if (1) it lacks either: (a) a current license plate, or (b) a current county, city or town plate or sticker or (c) a valid state inspection certificate or sticker and (2) it has been in a specific location for four (4) days without being moved. (Code 1959, § 20-147; Ord. No. O-88-013, § 1, 1-26-88)

Sec. 25-276. Liability.

The person at whose request a motor vehicle, trailer or semitrailer is removed from privately owned property under the provisions of this division shall indemnify the city against any loss or expense incurred by reason of removal, storage or sale thereof. (Code 1959, § 20-147)

Sec. 25-277. Notice generally.

Each removal of a vehicle under the provisions of this division shall be reported immediately to the chief of police, who shall give notice to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. (Code 1959, § 20-147)

Sec. 25-278. Redemption by owner.

The owner of any motor vehicle, trailer or semitrailer removed under the provisions of this division, before obtaining possession thereof, shall pay to the city all reasonable costs incidental to the removal, storage and location of such owner. (Code 1959, § 20-147)

Sec. 25-279. Sale authorized.

Should the owner of a vehicle removed under the provisions of this division fail or refuse to pay the costs of such removal and storage thereof, or should the identity or whereabouts of such owner be unknown or unascertainable after a diligent search has been made, and after notice to him at his last-known address and to the holder of any lien of record in the office of the state division of motor vehicles, the chief of police after holding the motor vehicle, trailer or semitrailer thirty (30) days and after due notice of sale, dispose of the same at public sale and the proceeds from such sale shall be forwarded by the chief of police to the city collector. (Code 1959, § 20-147; Ord. No. O-88-013, § 1, 1-26-88)

Sec. 25-280. Value less than one hundred fifty dollars.

If the value of any motor vehicle, trailer or semitrailer removed under the provisions of this division be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150.00) which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked. (Code 1959, § 20-147; Ord. No. O-88-013, § 1, 1-26-88)

Sec. 25-281. Disbursement of proceeds from sale.

The city collector shall pay from the proceeds of the sale of any motor vehicle removed under the provisions of this division the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner of such vehicle and paid to him upon satisfactory proof of ownership. (Code 1959, § 20-147)

Sec. 25-282. Special fund.

If no claim has been made by the owner of any motor vehicle, trailer or semitrailer removed and sold under the provisions of this division for the proceeds of such sale, after the payment of the cost of administering this division, the funds shall be deposited in a special fund established by the city for this purpose. Any such owner shall be entitled to apply to the city within three (3) years from the date of such sale and if timely application is made therefor, the city will pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be initiated for the recovery of such funds after three (3) years from the date of such sale. This section shall not operate to deprive the city of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or services rendered. (Code 1959, § 20-147; Ord. No. O-88-013, § 1, 1-26-88)

Sec. 25-283. Contracts with private persons for removal, etc., of vehicles.

The city manager shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in this division. The contracts shall provide for the payment by the city of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or to their agents upon demand therefor upon furnishing satisfactory evidence of identity and ownership or agency, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity. (code 1959, § 20-148)

Secs. 25-284—25-289. Reserved.

DIVISION 3. PERMIT PARKING

Sec. 25-290. Purposes of system.

In order to reduce hazardous traffic conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons not residing therein; to protect those areas from polluted air, excessive noise, trash and refuse caused by the entry of such vehicles; to protect the residents of those areas from unreasonable burdens in gaining access to their residences; to preserve the residential character of those areas; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of the property in those areas, and to preserve the safety of children and other pedestrians in traffic safety, and the peace, good order, comfort, convenience and welfare of the inhabitants of the city; it is necessary to establish a system of permit parking. (Code 1959, § 20-142.2; Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2), 1-22-80)

Sec. 25-291. Definition.

For the purposes of this division, the term “resident” shall be deemed to mean a person who customarily resides and maintains a place of abode within the permit parking district, or who owns realty abutting a street or public way within such a district upon which a dwelling intended for human habitation is located. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2(b)), 1-22-80)

Sec. 25-292. Violations.

(a) Any person violating the provisions of this division shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each offense.

(b) In any prosecution charging a violation of this division, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this ordinance, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by the Code of Virginia, Chapter 3 (Section 46.1-41, et seq.). shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

(c) If any person transfers, or allows others to use or possess any parking permit issued to them, or gives false answers upon application therefor, or uses or continues to use such parking permit after termination or expiration thereof by expiration of time or operation of law or cessation of residence, or violates any of the terms, conditions, rules or regulations applicable to same, such person shall be guilty of a class 4 misdemeanor. (Code 1959, § 20-142.2(e); Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2(e)), 1-22-80)

Sec. 25-293. Designation of area.

Should the city manager, based upon studies conducted by the city traffic engineer, ascertain that parking spaces on the streets within a particular residential area or distinct portion of such residential area, not less than the lesser of three hundred and sixty (360) feet or one city block, unless the street in such district is abutted by unimproved land, in which case said minimum lengths shall not apply, are used for the parking of vehicles not belonging to the residents of the particular area to such an extent as to create congestion, excessive noise, air pollution, and cause the residents of such areas unreasonable burdens in gaining access to their residences and that the majority of the contiguous property owners to the streets of such area, or portion thereof, desire the establishment of such area as a permit parking area, then the city manager shall establish such area as a permit parking district. (Code 1959, § 20-142.2(a); Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2(a)), 1-22-80; Ord. No. O-81-165, § 1, 8-11-81)

Sec. 25-294. Appeal from designation.

Any resident of a permit parking district area may appeal the decision of the city manager to the city council. Notice of appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the city manager. (Code 1959, § 142.2(a); Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2(a)), 1-22-80)

Sec. 25-295. Exceptions.

The parking prohibitions of this division shall not apply to service or delivery vehicles which are being used to provide services to or make deliveries to residents of the permit parking district. (Code 1959, § 20-142.2(c); Ord. of 3-13-79; Ord. No. O-80-024, § 1 (20-142.2(c)), 1-22-80))

Sec. 25-296. Permit required.

Unless a parking permit, validly issued pursuant to regulations contained in or adopted pursuant to this division, be properly displayed, no vehicle shall be parked upon any street or public way within a permit district. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80)

Sec. 25-297. Application for permit.

Permanent residents within a permit parking district may apply to the city collector for a permit to park their vehicle(s) upon the streets or public ways of the permit parking district in which such applicant resides. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80)

Sec. 25-298. Permit fees.

A fee of three dollars (\$3.00) shall be charged each resident for the issuance of one (1) parking permit, and a fee of three dollars (\$3.00) shall be charged each resident for each additional or replacement permit, such fee to be used by the city to defray the cost of enforcement of the provisions of this division. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80; Ord. No. O-90-093, 3-27-90, eff. 7-1-90)

Sec. 25-299. Issuance.

Upon proof that the applicant for a permit required by the provisions of this division is a resident of the permit parking district, a parking permit shall be issued for each vehicle owned by such applicant. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80)

Sec. 25-300. Duration.

Permits issued under the provisions of this division shall be valid for a period of one year. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80; Ord. No. O-81-165, § 1, 8-11-81)

Sec. 25-301. Nontransferable.

A permit issued under the provisions of this division shall be personal, nonassignable and nontransferable. Each such permit shall be valid only for a specifically prescribed vehicle. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80)

Sec. 25-302. Visitor passes.

Each household shall receive three (3) visitor passes at no additional charge. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80; Ord. No. O-96-297, 11-12-96)

Sec. 25-303. Signs.

The city manager or his duly designated representative shall cause appropriate signs to be placed upon all streets of the permit parking district, such signs to be of such character as to readily inform an ordinarily observant person of the existence of the parking prohibition within said district. (Code 1959, § 20-142.2(d); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(d)), 1-22-80)

Sec. 25-304. Permit parking in business districts.

(a) In order to protect residents of business districts that do not have off street parking from unreasonable burdens in gaining access to their residence and in order to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitants of the city, the city finds that it is necessary to establish a system of permit parking for residents of business districts.

(b) For purposes of this section the term "resident" shall be deemed to mean a person that resides and maintains a place of abode within a business district and does not have off street parking for their vehicle.

(c) A resident in a business district that does not have off street parking for their vehicle may apply to the city collector for a parking permit to park their vehicle in the public streets adjoining their residence in the business district in which they live without regard to the normal restrictions on the length of parking time. Two (2) permit(s) shall be issued for each residential lot.

(d) The parking permit shall be displayed from the rear view mirror of the vehicle in such a manner that it may be viewed from the front and rear of the vehicle. When there is no rear view mirror the permit shall be displayed on the vehicle dashboard. The permit shall not be displayed from the rear view mirror while the vehicle is in motion. If the permit is not properly displayed the normal restrictions on the length of permitted parking time shall apply.

(e) A fee of three dollars (\$3.00) shall be charged for each permit issued or each replacement permit. The fees will be used by the city to defray the cost of enforcement of the provisions of this section.

(f) Permits issued under this section are valid only on the vehicle for which they are issued and shall be valid for a period of one (1) year.

(g) The person shall not transfer or allow another person to use or possess any parking permit issued to them or continue to use a permit after its termination or expiration or give false information upon application for the permit. Nor shall any person use a permit to park upon the public streets in any business district except for the public streets adjoining their residence.

(h) Any person violating any of the provisions of this section shall be guilty of a class 1 misdemeanor. In addition the parking permit of such person shall be terminated by the city collector. (Ord. No. O-96-125, 5-14-96)

Secs. 25-305—25-309. Reserved.

DIVISION 4. PARKING FOR PERSONS WITH DISABILITIES

Sec. 25- 310. Park ing in spaces re served for per sons with dis abili ties; pen alty.

(a) No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under §46.2-1241 of the state code, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code, shall park in any parking spaces reserved for persons with disabilities.

(1) No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

(2) A summons or parking ticket for the offense may be issued by law-enforcement officers or uniformed law-enforcement department employees without the necessity of a warrant's being obtained by the owner of any private parking area.

(3) Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of one hundred dollars (\$100.00).

(b) No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date. A violation of this section shall be punishable by a fine of one hundred dollars (\$100.00).

(c) Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion. A violation of this section shall be punishable by a fine of one hundred dollars (\$100.00).

(d) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(e) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in §36-99.11 of the state code, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk. (Ord. No. O-97-236, 11-25-97)

Sec. 25- 310.1. Adop tion of state law.

Pursuant to the provisions of Title 46.2 of the Code of Virginia (1950) as amended, all of the provisions and requirements of Sections 46.2-1240, 46.2-1247, 46.2-1248, 46.2-1249, 146.2-1250, 46.2-1251, 46.2-1252 and 46.2-1253 of the Code of Virginia (1950) as amended, and in effect on July 1, 1997, are hereby adopted and made a part of this division and this chapter as fully as though set out and are hereby made applicable within the city. It shall be unlawful for any person, within the city, to violate or fail, neglect or refuse to comply with any section of the Code of Virginia which is adopted by this section. Pursuant to the provisions of Section 1-12.39:2 of the Code of Virginia, future amendments to the sections of the Code of Virginia, that

are incorporated in this section are also automatically incorporated by reference herein. (Ord. No. O-97-236, 11-25-97)

Secs. 25-311—25-316. Reserved.

ARTICLE IX. EQUIPMENT**Sec. 25-317. Inspection of vehicles.**

When the superintendent compels, by proclamation of the governor or otherwise, the owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated upon a highway within this state to submit such vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, and any such owner or operator of any such motor vehicle, trailer or semitrailer operated upon the highways of this city fails to submit such motor vehicle, trailer or semitrailer to such inspection or fails or refuses to correct or have corrected in accordance with the requirements of this chapter or of state law any mechanical defects found by such inspection to exist, he shall be punishable by a fine of not more than two hundred dollars (\$200.00).

Each day during which such motor vehicle, trailer, or semitrailer is operated on any street or highway within the city after failure to comply with this section shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for the operation of a motor vehicle, trailer or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station. (Code 1959, § 20-58; Ord. No. O-95-039, 2-28-95)

State law reference—Similar provisions, Code of Virginia, § 46.2-1157 & § 46.2-1171.

Sec. 25-317.1. Parking vehicles without inspection sticker on highways within the city.

Any person who parks any vehicle which is registered or titled in Virginia and which does not display a current state inspection sticker on any street or highway within the city shall be deemed guilty of a class 4 misdemeanor. Each day such vehicle remains on the highway shall constitute a separate offense and shall be punishable under this ordinance. (Ord. No. O-89-252, § 1, 9-26-89; Ord. No. O-90-018, 1-23-90)

Sec. 25-318. Unauthorized taking, possession or use of inspection stickers, etc.

No person shall within this city remove from the custody of any person to whom the same has been issued by or under authority of the superintendent, nor have in his possession or use otherwise than as authorized by the superintendent, the sticker in connection with the inspection of motor vehicles authorized herein. (Code 1959, § 20-59)

State law reference—Similar provisions, Code of Virginia, § 46.2-1172.

Sec. 25-319. Imitation or counterfeit inspection stickers.

(a) No person shall make, issue or knowingly use any imitation or counterfeit of any official certificate of inspection.

(b) No person shall display or cause to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle. (Code 1959, § 20-60)

State law reference—Similar provisions, Code of Virginia, § 46.2-1173.

Sec. 25-320. Lighting equipment.

Every vehicle operated within the city shall be equipped with lights, lamps and lighting equipment, and the same shall be operated and used, as required by state law. (Code 1959, §§ 20-202—20-219)

State law reference—Lighting equipment, Code of Virginia, § 46.2-1010 et seq.

Sec. 25-321. Brakes.

Every vehicle in the city shall be equipped with brakes in compliance with the provisions of state law. (Code 1959, §§ 20-168—20-173)

State law reference—Brakes, Code of Virginia, § 46.2-1066 et seq.

Sec. 25- 322. Ille gal si rens, whis tles, etc.; un law ful use of horns, etc.

(a) It shall be unlawful for any vehicle to be equipped with or for any person to use upon any vehicle any siren or exhaust, compression or spark plug whistle or horn, except as may be authorized in this chapter. It shall be unlawful for any vehicle to be equipped with or for any person to use any horn or warning device while upon a highway or any way open to public travel that is not of a type that has been approved by the superintendent or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that the vehicles of common carriers or extraordinarily large and heavy vehicles may be equipped with such type of warning device as the superintendent may require or permit.

(b) Notwithstanding the provisions of this section, a siren, bell or supplemental horn may be used on a vehicle as a noisemaker for an alarm system provided the device is installed so as to prohibit acuation of the system by the driver while the vehicle is in motion. (Code 1959, § 20-176)

State law reference—Similar provisions, Code of Virginia, § 46.2-1060.

Sec. 25- 323. Si rens or ex haust whis tles upon emer gency ve hi cles.

Every police vehicle and vehicle used for the purpose of fire fighting and every ambulance or rescue vehicle used for emergency calls shall be equipped with a siren, exhaust whistle or air horn designed to give automatically intermittent signals of a type not prohibited by the superintendent. Publicly owned vehicles used by a state forest warden, may also be so equipped. (Code 1959, § 20-177)

State law reference—Similar provisions, Code of Virginia, § 46.2-1061.

Sec. 25- 324. Warn ing de vices on school buses; use thereof.

(a) The city school board operating any school bus, or for whom any school bus is operated, shall have each such school bus equipped with a warning device of such type as may be prescribed by the state board after consultation with the superintendent of state police. Such a warning device shall indicate when such bus is stopped, is about to stop, and when it is taking on or discharging children, elderly, mentally or physically handicapped persons. Such warning device shall be used and in operation for a distance of not less than one hundred (100) feet before any proposed stop of such bus if the lawful speed limit is less than thirty-five (35) miles per hour, and for a distance of at least two hundred (200) feet before any proposed stop of such bus if the lawful speed limit is thirty-five (35) miles per hour or more.

(b) Any person operating such bus who fails or refuses to equip such vehicle being driven by him with such equipment, or who fails to use such warning device in the operation of such vehicle, shall be guilty of a misdemeanor, and shall on conviction be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). (Code 1959, § 20-178)

State law reference—Similar provisions, Code of Virginia, § 46.2-1090.

Sec. 25- 325. Mir rors.

(a) No person shall operate a motor vehicle upon a street or highway of this city which is not equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle.

(b) No motor vehicle registered in this state designed and licensed primarily for passenger vehicular transportation on the public highways and manufactured for the year 1969 or for subsequent years shall be operated on the streets or highways of this city unless equipped with at least one (1) outside and at least one (1) inside rearview mirror meeting the requirements of subsection (a) hereof. (Code 1959, § 20-180)

State law reference—Similar provisions, Code of Virginia, § 46.2-1082.

Sec. 25- 326. Rear fenders, flaps or guards required for certain motor vehicles.

(a) No person shall operate upon a highway any motor vehicle or combination of motor vehicles having a licensed gross weight in excess of forty thousand (40,000) pounds which motor vehicle or combination of vehicles is not equipped with rear fenders, flaps or guards which shall be of such size as will substantially prevent the projection of rocks, dirt, water or other substances to the rear. Vehicles used exclusively for hauling logs shall be exempt from the provisions of this section.

(b) "Gross weight" for the purpose of this section includes the load upon such motor vehicle or combination of vehicles. (Code 1959, § 20-181)

State law reference—Similar provisions, Code of Virginia, § 46.2-1083.

Sec. 25- 327. Signs on wind shields, etc.

It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, sideshields or rear windows of such motor vehicle other than a certificate or other paper required to be placed by law or which may be permitted by the superintendent. The size and placement location of stickers or decals used by counties, cities and towns in lieu of license plates shall be in compliance with regulations promulgated by the superintendent. (Code 1959, § 20-182)

State law reference—Similar provisions, Code of Virginia, § 46.2-1052.

Sec. 25- 328. Suspension of objects so as to obstruct view of driver.

It shall be unlawful for any person to operate a motor vehicle upon a highway with any object or objects other than a rear-view mirror, sun visor or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window.

It shall be unlawful for any person to operate a motor vehicle upon a highway in this city with any object or objects, other than a rear-view mirror, sun visor, or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield; provided, however, that this section shall not apply when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the operator a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle. (Code 1959, § 20-182.1)

State law reference—Similar provisions, Code of Virginia, § 46.2-1054

Sec. 25- 329. Wind shield wipers.

Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning snow, rain, moisture or other matter from the windshield directly in front of the operator. The device shall be so constructed as to be controlled or operated by the operator of the vehicle; provided, that every such device on a vehicle designed or used to carry passengers for compensation or hire or as a public conveyance to transport schoolchildren or others shall be of a mechanically or electrically operated type. The device or devices on any motor vehicle manufactured or assembled after January 1, 1943, shall clean both the right

and left sides of the windshield and shall be of a mechanically or electrically operated type. (Code 1959, § 20-183)

State law reference—Similar provisions, Code of Virginia, § 46.2-1055.

Sec. 25- 330. Wind shields.

It shall be unlawful for any person to operate upon a highway in this city any motor vehicle or reconstructed motor vehicle, other than a motorcycle, registered in this state, which was manufactured, assembled or reconstructed after July 1, 1970, unless such motor vehicle is equipped with a windshield. (Code 1959, § 20-184.1)

State law reference—Similar provisions, Code of Virginia, § 46.2-1057

Sec. 25- 331. Depth of treads on tires.

(a) No person shall operate a motor vehicle, trailer or semitrailer registered in Virginia on any street or highway in this city, if such motor vehicle, trailer or semitrailer is equipped with one or more tires which either:

(1) When measured in any two (2) adjacent tread grooves where the tread is thinnest, at three (3) equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth gauge calibrated in thirty-seconds of an inch, is found to have tread depth of less than two thirty-seconds of an inch at such locations; or

(2) When equipped with tread wear indicators, is found to have such indicators in contact with pavement at any two (2) adjacent grooves at three (3) equally spaced intervals.

(b) No motor vehicle, trailer or semitrailer shall be issued an inspection approval sticker if equipped with any tire the use of which is prohibited under the provisions of subsection (a) of this section.

(c) This section shall not apply to tires mounted on dual wheels installed on motor vehicles having seats for more than seven (7) passengers:

(1) Operated wholly within a municipality or

(2) Operated by urban and suburban bus lines, which are defined as bus lines operating over regularly scheduled routes the majority of whose passengers use the buses for traveling a distance of not exceeding forty (40) miles, measured one way, on the same day between their place of abode and their place of work, shopping areas or schools. (Code 1959, § 20-186.1)

State law reference—Similar provisions, Code of Virginia, § 46.2-1043

Sec. 25-332. Cleats, etc., on tires; chains with studs.

(a) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery having protubances which will not injure the highway and to use chains of reasonable proportions when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use upon any vehicle, whose gross weight does not exceed ten thousand (10,000) pounds, tires with studs which project not more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed and which cover not more than three (3) per cent of the traction surface of the tire when compressed and which cover not more than three (3) per cent of the traction surface of the tire.

(b) The use of such studded tires shall be permissible from October 15, 1974 to April 15, 1975, and from October 15, 1975 to April 15, 1976. (Code 1959, § 20-187)

State law reference—Similar provisions, Code of Virginia, § 46.2-1044.

Sec. 25-333. Traction engines and tractors; permit.

The city manager may issue special permits limited to such time as he may deem proper, authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks. A fee of two dollars (\$2.00) shall be charged for each permit at the time of issuance. (Code 1959, § 20-188)

State law reference—Similar provisions, Code of Virginia, § 46.2-1046.

Sec. 25-334. When signal device required.

(a) Any motor vehicle, trailer or semitrailer which is so constructed or carries a load in such a manner as to prevent a hand-and-arm signal required in section 25-178 from being visible, both to the front and rear of such vehicle, trailer or semitrailer or any vehicle the driver of which is incapable of giving the required hand-and-arm signals, shall be equipped with a mechanical or electrical signal device which meets the requirements of state law and is of a type that has been approved by the superintendent.

(b) It shall be unlawful for any person to operate on any highway a motor vehicle registered in this state and manufactured or assembled after January 1, 1955, unless such vehicle be equipped with such a mechanical or electrical signal device on both front and rear.

(c) Any such mechanical or electrical signal device may be used in lieu of the hand-and-arm signal required by section 25-178.

(d) The first two (2) paragraphs of this section shall not apply to any motorcycle. The provisions of this section shall not apply to motor vehicles, trailers or semitrailers used for agricultural or horticultural purposes which are exempted from annual registration under Code of Virginia, section 46.1-45. (Code 1959, § 20-189)

State law reference—Similar provisions, Code of Virginia, § 46.2-1038.

Sec. 25-335. Requirements of signal devices.

(a) Every signal device intended and used to give a signal of intention to turn a vehicle shall be so constructed and so installed as to give a signal plainly visible in clear weather and under normal traffic conditions from a distance of at least one hundred (100) feet to the rear and one hundred (100) feet to the front of the vehicle; and provided that no front signal shall be required on vehicles manufactured or assembled before January 1, 1943.

(b) Motor vehicles, trailers and semitrailers, when temporarily stopped on the traveled or paved portion of the highway so as to create a traffic hazard, shall use all four (4) turn signals simultaneously to signal

approaching motorists of the existing hazard whenever such vehicle is equipped with a device which will cause the four (4) turn signals to flash simultaneously. All four (4) signals may be flashed simultaneously on a vehicle stopped at the scene of a traffic hazard, but in no event shall all four (4) signals be flashed simultaneously while the vehicle is in motion.

(c) Motor vehicles may be equipped with a braking warning system or device which will cause the vehicle's brake lights to flash when the vehicle is in motion but committed to an emergency or panic stop. (Code 1959, § 20-190)

State law reference—Similar provisions, Code of Virginia, § 46.2-1039.

Sec. 25- 336. Flag or light at end of load.

Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than twelve (12) inches, both in length and width, except that between one-half hour after sunset and one-half hour before sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle. (Code 1959, § 20-191)

State law reference—Similar provisions, Code of Virginia, § 46.2-1121.

Sec. 25- 337. Exhaust system in good working order required.

(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.

(b) The term "exhaust system," as used in this section, means all of the parts of a motor vehicle through which the exhaust passes after leaving the engine block.

(c) Chambered pipes and turbo-supercharges shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in subsection (a). (Code 1959, § 20-192)

State law reference—Similar provisions, Code of Virginia, § 46.2-1049.

Sec. 25- 338. Muffler cut out, etc., illegal.

It shall be unlawful to sell or offer for sale a muffler without interior baffle plates or other effective muffling device or any "guttled muffler," "muffler cutout" or "straight exhaust." It shall be unlawful for any person to operate on the highways of this city a motor vehicle equipped with a "guttled muffler," "muffler cutout" or "straight exhaust." (Code 1959, § 20-193)

State law reference—Similar provisions, Code of Virginia, § 46.2-1047.

Sec. 25- 339. Construction must prevent escape of contents.

No vehicle shall be operated or moved on any highway unless such vehicle is so constructed as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. (Code 1959, § 20-194)

State law reference—Similar provisions, Code of Virginia, § 46.2-1156.

Sec. 25-339.1. Secured or covered loads.

The loads of all trucks, trailers and semi-trailers, carrying gravel, sand or other nonagricultural and nonforestry products on any streets, highways or roads within the Lynchburg city limits shall be either (i) secured to the vehicle in which they are being transported or (ii) covered. Public service company vehicles, pickup trucks, coal trucks, and emergency snow removal equipment while engaged in snow removal operations shall be excluded from the provisions of this section. (Ord. No. O-88-263, § 1, 9-27-88, eff. 10-1-88)

Sec. 25-340. Tail gates on vehicles.

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tailgate to lower or open the tailgate thereon, or to suffer or permit such tailgate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tailgate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tailgate on such vehicle is kept closed or raised, except during the times hereinbefore specified. Any person who shall violate the provisions of this section shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense. (Code 1959, § 20-195)

Sec. 25-341. Fastening load of logs, barrels, etc.

No vehicle which is designed or used for the purpose of hauling logs, poles, or lumber, barrels, hogsheads or other material or containers which by their very nature may shift or roll, shall be operated or moved over any highway unless its load is securely fastened by adequate log chains or metal cables so as to prevent the shifting or falling of such load from the vehicle; provided, however, that tobacco hogsheads may, in lieu of chains or metal cables, be secured by Manila or hemp rope of such strength as to securely fasten the hogshead against shifting, falling or rolling, and in any case of not less than five-eighth inch in diameter.

Nothing in this section shall be construed to release the owner or operator from liability for failure to use reasonable care in securing or fastening such load from shifting or falling. (Code 1959, § 20-196)

State law reference—Similar provisions, Code of Virginia, § 46.2-1155.

Sec. 25-342. Mechanical vapor compression refrigeration cooling units.

No motor vehicle shall be operated on any highway equipped with any mechanical vapor compression refrigeration cooling unit, used for the cooling of passengers or drivers, unless such device is of a type approved as to safety by the superintendent. No refrigerant used in such unit shall be explosive, flammable or toxic. (Code 1959, § 20-197)

State law reference—Similar provisions, Code of Virginia, § 46.2-1088.

Sec. 25-343. Illegal possession or sale of unapproved equipment.

It shall be unlawful for any person to possess with intent to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use or have as equipment upon a motor vehicle operated on a highway, any lighting device, warning device, signal device, safety glass or other equipment on which approval is herein required or on which approval is required by state law, or any part tending to change or alter the operation of such device, glass or other equipment, unless of a type that has been submitted to and approved by the superintendent, or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, Incorporated, or the federal department of transportation. (Code 1959, § 20-199)

State law reference—Similar provisions, Code of Virginia, § 46.2-1002.

Sec. 25-344. Illegal use of defective or unsafe equipment.

It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway any device or equipment mentioned in section 25-343 of this Code which is defective or in unsafe condition. (Code 1959, § 20-199)

State law reference—Similar provisions, Code of Virginia, § 46.2-1003

Sec. 25- 345. Trade mark or name and in struc tions re quired.

Each device, glass or other equipment mentioned in section 25-343 offered for sale in this city shall bear thereon a trademark or name or be identified in keeping with the superintendent's regulations and shall be accompanied by printed instructions as to the proper mounting, use and candlepower of bulbs, if any, to be used therewith and any particular methods of mounting or adjustments necessary to meet the requirements of this chapter, and any rule or regulation of the superintendent. (Code 1959, § 20-200)

State law reference—Similar provisions, Code of Virginia, § 46.2-1004.

Sec. 25- 346. Tire chains or snow tread tires; when re quired.

(a) Whenever snow, sleet, or freezing rain is falling or has fallen and such snow, sleet, or freezing rain is causing slippery or hazardous conditions upon the streets of the city, no person shall operate a motor vehicle on any street of the city in such a manner as to become stalled and impede traffic when such stalling is due to the failure of such person to equip the vehicle with effective tire chains or effective snow tread tires.

(b) No person shall operate a motor vehicle on any of the streets of the city under weather conditions as above set forth without equipping the vehicle with effective tire chains or effective snow tread tires when it is apparent that failure to so equip the vehicle will likely cause such vehicle to stall or impede traffic.

(c) Any person violating the provisions of this section shall, upon conviction thereof, be punished in accordance with the provisions of section 25-3 of this chapter. (Code 1959, § 20-134.1)

Secs. 25- 347—25- 357. Re served.**ARTICLE X. ASSEMBLIES, PARADES AND PROCESSIONS***

Editor's note—Sections 25-358—25-368 were repealed by Ord. No. O-91-199, 8-13-91, and replaced by Sections 25-374—35-374.11.

Sec. 25- 369. Dis per sal of ac tiv ity.

Whenever the free passage of any street or sidewalk in the city shall be obstructed by a crowd, congregation, parade, meeting, assembly or procession, or the conduct of two (2) or more persons, except as authorized by any permit issued pursuant to this article, the persons comprising said group shall disperse or move when directed to do so by a police officer. It shall be unlawful for any person to refuse and said refusal shall be a violation of this article.

Sec. 25- 370. Driv ing through pro ces sions.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles as defined in this chapter. (Code 1959, § 20-24)

***Cross reference**—Riots and unlawful assemblies, § 27-46 et seq.

Sec. 25-371. Identification of vehicles in funeral processions.

All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the city manager may prescribe. (Code 1959, § 20-25)

Sec. 25-372. Manner of driving in funeral processions.

Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe. (Code 1959, § 20-24)

Sec. 25-373. Right-of-way of funeral processions.

All motor vehicles in an authorized funeral procession shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police vehicles, at any street or highway intersection within the city, and may proceed through a stop street or signalized intersection with proper caution and safety. (Code 1959, § 20-25)

Sec. 25-373.1. Escort for funeral processions.

The police department will provide an escort service for funeral processions, upon request, when equipment and personnel are not otherwise engaged in law-enforcement activities. The request for an escort must be received by the department no later than forty-eight (48) hours before the procession. The fee for the escort service is fifty dollars (\$50.00). This fee covers the cost to the police department of providing the escort service. (Ord. No. O-96-233, 8-13-96)

Sec. 25-374—25-374.11. Repealed (Ord. No. O-98-041, 3-10-98)**Sec. 25-375. Purpose.**

Pursuant to the authority granted to the city by the Code of Virginia and its general police powers, the city does hereby adopt the following sections in order to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, to ensure free and safe access to public areas and otherwise to regulate and control the time, place and manner of activities that would otherwise threaten the public health, safety, and welfare, while also encouraging the exercise of the rights to free speech and assembly in the city. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.1. Definitions.

The following terms shall have the meanings set out herein:

(a) "Parade" means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles, or a combination thereof upon the streets, sidewalks or other public areas within the city with an intent or likely effect of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks, or other public grounds.

(b) "Public assembly" means any meeting, demonstration, picket line, rally or gathering of more than five (5) people for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.

(c) "Spontaneous event" shall mean an unplanned or unannounced coming together of persons, animals or vehicles in a parade or gathering which was not contemplated beforehand by any participant therein and which is caused by or in response to unforeseen circumstances or events occasioned by news or affairs first coming into public knowledge within three (3) days of such parade or public assembly. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.2. Permit required.

(a) It shall be unlawful for any person to conduct or participate in a parade or public assembly on the public streets, sidewalks, or other public areas of the city for which a written permit has not been issued in accordance with the provisions of this article.

(b) The provisions of this permit shall not apply to:

(1) Spontaneous events;

(2) Recreational activities, including jogging or walking, that do not require closing public streets or other public streets or other public rights-of-way;

(3) Funeral processions;

(4) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(5) The United States army, navy, air force and coast guard, the military forces of the state and the police and fire divisions of the city; or

(6) A governmental agency/agencies acting within the scope of its functions.

(c) Permits may be granted if they are requested by individuals or organizations who desire to have a permit, even though the permit is not required under this section. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.3. Application.

(a) Any person desiring to conduct a parade or public assembly shall make written application to the chief of police, or his designee, at least five (5) days prior to such parade or public assembly. Such application shall set forth the following information:

(1) The name, address and telephone number of the person requesting the permit;

(2) The name and address of any organization or group the applicant is representing;

(3) The name, address and telephone number of the person who will act as the parade or public assembly leader or chairman and who will be responsible for the conduct of the parade or public assembly;

(4) The type of public assembly, including a description of the activities planned during the event;

(5) The date and time (start and ending) of the parade or public assembly;

(6) If an assembly, the specific location or locations of the assembly;

(7) If a parade, the specific assembly and dispersal locations, the specific route, and the plans, if any, for assembly and dispersal;

(8) The approximate number of people who, and animals and vehicles which will constitute such parade or public assembly and the type of animals and a description of the vehicles;

(9) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets or sidewalks or other public rights-of-way proposed to be traversed or used;

(10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly; and

(11) Such other information as the chief of police, or his designee, may deem reasonably necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and for the protection of public health, safety and welfare.

(b) The chief of police, or his designee, shall not issue the permit if any information supplied by the applicant is false or intentionally misleading.

(c) The chief of police, or his designee, shall have the authority to and shall make reasonable efforts to consider an application hereunder which is filed less than five (5) days before the date the parade or assembly is proposed to be conducted if, after due consideration of the date, time, place and nature of the parade or public assembly, the anticipated number of participants and the city services required in connection with the event, and where good cause is otherwise shown, the chief of police, or his designee determines that the waiver of the permit application deadline will not present an undue hazard to public safety. (Ord. No. O-99-093, 5-11-99)

Sec. 25- 375.4. Issuance or denial of permit.

(a) The chief of police, or his designee, shall issue the permit within three (3) days of receipt of the completed application, and in any event prior to the scheduled parade or public assembly if the proposed parade or public assembly will not endanger the public health, welfare or safety, applying the following criteria and finding that:

(1) The time, duration, route and size of parade or assembly will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic;

(2) The parade or assembly is not of such a nature that it will require diversion of so great a number of police and fire personnel to properly police the line of movement in the areas contiguous thereto so as to impair the normal protection of the remainder of the city;

(3) The applicant has, where appropriate, designated monitors sufficient to control the orderly conduct of the parade or assembly in conformity with such permit;

(4) The conduct of the parade or assembly will not unduly interfere with the proper fire and police protection of, or ambulance service to, the remainder of the city, or unreasonably disrupt other public services and protection normally provided to the city;

(5) The parade or assembly will not interfere with another parade or assembly for which a permit has been granted; and

(6) The parade or assembly proposed will not violate, and will conform with all applicable state regulations and laws governing the proposed event.

(b) For parades or public assemblies held on a regular or recurring basis at the same location, an application for an annual permit covering all such parades or assemblies during the calendar year may be filed with the chief of police, or his designee, at least five (5) and not more than sixty (60) days before the date and time at which the first such parade or public assembly is proposed to commence. The chief of police, or his designee, may and shall make reasonable efforts to waive the minimum five (5) day period after due consideration of the factors specified in subsection (c) in the previous section.

(c) If the chief of police, or his designee, denies an application, he shall promptly attempt to call and will promptly mail to the applicant a notice of his action, stating the reasons for his denial of the permit, and notifying the applicant of his right to appeal the denial pursuant to Section 25-375.9 of this article.

(d) If two or more applications are submitted requesting a permit under this article for a parade or assembly to be used at the same time and place, the application first filed shall be granted if it meets the requirements of this article;

(e) Nothing in this article shall permit the chief of police, or his designee, to deny a permit based upon political, social or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.5. Alternate permit.

The chief of police, or his designee, in denying a permit for a parade or public assembly shall be empowered to authorize the conduct of the parade or assembly on a date, at a time, at a place, or over a route different from that proposed by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the chief of police, or his designee. An alternate permit shall conform to the requirements of and shall have the effect of a permit under this article. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.6. Notice to city and other officials.

Immediately upon the issuance of a permit, the chief of police, or his designee, shall send a copy thereof to the following:

- (a) The city manager;
- (b) The city attorney;
- (c) The fire chief; and
- (d) The director of the department of public works (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.7. Compliance with directions and conditions.

Every person to whom a permit is issued under this article shall substantially comply with all permit terms and conditions and with all applicable laws and ordinances. The parade or assembly chairman or other person heading or leading the parade or assembly shall carry the permit upon his person during the conduct of the parade or assembly, and show the permit when requested to do so. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.8. Revocation of permit.

The chief of police, or his designee, shall have the authority to revoke any permit issued pursuant to this article if any information supplied by the applicant is discovered to be false or intentionally misleading or if any term, condition, restriction or limitation of the permit has been substantially violated or if there is any continued violation of the terms, conditions, restrictions or limitations of the permit after the applicant or anyone acting in concert with him is notified of a violation of the permit by an appropriate law enforcement official. (Ord. No. O-99-093, 5-11-99)

Sec. 25-375.9. Appeal.

(a) Any person aggrieved by the refusal of the chief of police, or his designee, to grant a permit, or by the revocation of a permit after one has been issued, may but is not required to appeal the denial to the city manager, or his designee, by filing with the city manager's office, within five (5) working days after the date of denial or revocation, a written notice of the appeal setting forth the grounds therefor. The city manager, or his designee, shall act upon the appeal within five (5) working days after its receipt.

(b) The decision of the chief of police or his designee or the city manager, or his designee, may be appealed to the circuit court of the City of Lynchburg, in accordance with the laws of the state.

(c) In any appeal under this section, the city shall have the burden of demonstrating that the denial of the permit was justified under Section 25-375.4 of this article.

(d) The city shall meet all deadlines set by the court and by applicable statutes and court rules, and shall otherwise seek to assure that the appeal, including any motion for preliminary relief, is decided as expeditiously as possible. (Ord. No. O-99-093, 5-11-99)

Sec. 25- 375.10. Public conduct during parades and assemblies.

(a) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or assembly or with any person, vehicle or animal participating or used in a parade or assembly.

(b) Driving through parades. No driver of a vehicle shall drive between the vehicles, persons or animals comprising a parade or assembly or funeral procession except when otherwise directed by a police officer. This shall not apply to authorized emergency vehicles.

(c) Parking on parade or assembly route. The chief of police, or his designee, shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the public streets or public rights-of-way constituting a part of the route of a parade or assembly. The chief of police, or his designee, shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article. (Ord. No. O-99-093, 5-11-99)

Sec. 25- 375.11. Severability.

If any portion of this article is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article and such invalid provisions or portions thereof shall be severable. (Ord. No. O-99-093, 5-11-99)

Secs. 25- 376—25- 384. Reserved.**ARTICLE XI. PEDESTRIANS****Sec. 25- 385. To obey signs, signals, etc.**

Pedestrians shall obey signs and signals erected on highways or streets for the direction and control of travel and traffic and they shall obey the orders of police officers engaged in directing travel and traffic on the highways and streets. Violations of this section shall be punished by a fine not exceeding five dollars (\$5.00) for each offense. (Code 1959, § 20-263)

State law reference—Authority of cities of the first class to regulate pedestrians by ordinance, Code of Virginia, § 46.2-935.

Sec. 25- 386. Crossing high ways or streets.

(a) When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections, but where intersections of streets contain no marked crosswalks pedestrians shall not be guilty of negligence as a matter of law for failure to cross at said intersection. They shall cross only at right angles.

(b) Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by lights, semaphores or signals by a peace or police officer. (Code 1959, § 20-251)

State law reference—Similar provisions, Code of Virginia, § 46.2-923

Sec. 25- 387. Right-of-way generally.

(a) The driver of any vehicle upon a highway within a business or residential district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk, whether at mid-block or at the end of any block, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

(b) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

(c) The drivers of vehicles entering, crossing or turning at intersections shall change their course, slow down or come to a complete stop if necessary to permit pedestrians to cross such intersection safely and expeditiously.

(d) Pedestrians crossing highways or streets at intersections shall at all times have the right-of-way over vehicles making turns into the highways or streets being crossed by pedestrians.

(e) Notwithstanding the provisions contained in section 25-1 of this Code, as used in this section “business district” means the territory contiguous to a highway where fifty (50) per cent or more of the total frontage on either side of the highway for a distance of one hundred fifty (150) feet or more is used for business purposes.

(f) Notwithstanding the provisions contained in section 25-1 of this Code, as used in this section “residence district” means the territory contiguous to a highway not comprising a business district where fifty (50) per cent or more of the total frontage on either side of the highway for a distance of one hundred fifty (150) feet or more is used for residential purposes. (Code 1959, § 20-252)

State law reference—Similar provisions, Code of Virginia, § 46.2-924.

Sec. 25- 388. Step ping where they can not be seen.

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event, they shall cross the highway or street only at right angles. (Code 1959, § 20-253)

State law reference—Similar provisions, Code of Virginia, § 46.2-927.

Sec. 25- 389. En ter ing or leav ing buses.

When actually boarding or alighting from passenger buses, pedestrians shall have the right-of-way over vehicles, but shall not, in order to board or alight from passenger buses, step into the highway or street sooner nor remain there longer than is absolutely necessary. (Code 1959, § 20-254)

State law reference—Similar provisions, Code of Virginia, § 46.2-927.

Sec. 25- 390. Not to use high ways ex cept when nec es sary; keep ing to left.

Pedestrians shall not use the highways or streets, other than the sidewalk thereof, for travel, except when necessary to do so because of the absence of sidewalks, reasonably suitable and passable for their use, in which case, if they walk upon the hard surface, or the main-traveled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof. (Code 1959, § 20-255)

State law reference—Similar provisions, Code of Virginia, § 46.2-927.

Sec. 25- 391. So lic it ing rides or busi ness.

No person shall solicit a ride, employment or business from the driver or occupant of any vehicle. (Code 1959, § 20-258)

Sec. 25- 392. Playing on streets or highways; roller skates, toys or other devices on wheels or runners; persons riding bicycles, etc., not to attach to vehicles.

No person shall play on a highway or street, other than upon the sidewalks thereof, within the city. No person shall use on a highway or street where play is prohibited roller skates, toys or other devices on wheels or runners, except bicycles and motorcycles. The city manager may designate areas on highways or streets where play is prohibited in which persons may be permitted to use roller skates, toys or other

devices on wheels or runners, and, if such highways or streets have two (2) traffic lanes, such persons shall keep as near as reasonably possible to the extreme left side or edge of the left-hand lane so that they will be facing oncoming traffic at all times.

No person riding upon any bicycle, roller skates, toys or other devices on wheels or runners, shall attach the same or himself to any vehicle upon a roadway. (Code 1959, § 20-256)

State law reference—As to playing on highways and as to skating, etc., see Code of Virginia, § 46.2-932.

Sec. 25- 393. Blind pedestrians—Generally.

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick clearly visible above the body which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching the intersection or place of crossing shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, unless such intersection or place of crossing is controlled by a traffic officer. (Code 1959, § 20-259)

State law reference—Similar provisions, Code of Virginia, § 46.2-933.

Sec. 25- 394. Same—Failure to use cane or guide dog not contributory negligence.

Nothing contained in section 25-393 shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this city be held to constitute nor be evidence of contributory negligence. (Code 1959, § 20-262)

State law reference—Similar provisions, Code of Virginia, § 46.2-934.